

108TH CONGRESS
1ST SESSION

H. R. 3271

To amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. GEPHARDT (for himself, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. FROST, Mr. CROWLEY, Mr. FARR, Ms. SOLIS, Mr. RODRIGUEZ, Mr. BECERRA, Mrs. NAPOLITANO, Mr. REYES, and Mr. GREEN of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Earned Legalization
5 and Family Unification Act of 2003”.

1 **SEC. 2. LEGALIZATION OF STATUS.**

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 245A the following new
5 section:

6 “ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESI-
7 DENT WORKERS AND COLLEGE-BOUND STUDENTS
8 TO THAT OF ALIEN LAWFULLY ADMITTED FOR PER-
9 MANENT RESIDENCE

10 “SEC. 245B. (a) ADJUSTMENT TO PERMANENT
11 RESIDENT STATUS FOR CERTAIN WORKERS, SPOUSES,
12 AND CHILDREN.—The Attorney General shall adjust the
13 status of an alien to that of an alien lawfully admitted
14 for permanent residence if the alien meets the following
15 requirements:

16 “(1) TIMELY APPLICATION.—

17 “(A) DURING APPLICATION PERIOD.—Ex-
18 cept as provided in subparagraph (B), the alien
19 must apply for such adjustment during the 36-
20 month period beginning on the date final regu-
21 lations are issued to carry out this section.

22 “(B) INFORMATION INCLUDED IN APPLI-
23 CATION.—Each application under this sub-
24 section shall contain such information as the
25 Attorney General may require, including infor-
26 mation on living relatives of the applicant with

1 respect to whom a petition for preference or
2 other status may be filed by the applicant at
3 any later date under section 204(a).

4 “(2) CONTINUOUS 5-YEAR RESIDENCE.—

5 “(A) IN GENERAL.—The alien must estab-
6 lish that the alien—

7 “(i) entered the United States before
8 the date that is 5 years before the date of
9 the enactment of this Act;

10 “(ii) has resided continuously in the
11 United States during the 5-year period
12 ending on the date of the enactment of this
13 Act and through the date the application
14 was filed under this subsection; and

15 “(iii) was in the United States on the
16 date of the enactment of this Act in an un-
17 lawful status and has resided continuously
18 in the United States in an unlawful status
19 since such date and through the date the
20 application was filed under this subsection.

21 “(B) NONIMMIGRANTS.—In the case of an
22 alien who entered the United States as a non-
23 immigrant before the date of the enactment of
24 this Act, the alien must also establish that the
25 alien’s period of authorized stay as a non-

1 immigrant expired before such date through the
2 passage of time or the alien's unlawful status
3 was known to the Government as of such date.

4 “(C) EXCHANGE VISITORS.—If the alien
5 was at any time a nonimmigrant exchange alien
6 (as defined in section 101(a)(15)(J)), the alien
7 must establish that the alien was not subject to
8 the two-year foreign residence requirement of
9 section 212(e) or has fulfilled that requirement
10 or received a waiver thereof.

11 “(D) OTHER LAWFUL ALIENS.—Notwith-
12 standing any other provision of this paragraph,
13 in the case of an alien who is in a lawful status,
14 other than a nonimmigrant status, on the date
15 of the enactment of this Act, the alien must es-
16 tablish that the alien has resided continuously
17 in the United States in such status during the
18 5-year period ending on the date of the enact-
19 ment of this Act.

20 “(3) CONTINUOUS PRESENCE SINCE ENACT-
21 MENT.—

22 “(A) IN GENERAL.—The alien must estab-
23 lish that the alien has been continuously
24 present in the United States since the date of
25 the enactment of this section.

1 “(B) TREATMENT OF BRIEF, CASUAL, AND
2 INNOCENT ABSENCES.—An alien shall not be
3 considered to have failed to maintain a contin-
4 uous presence in the United States for purposes
5 of subparagraph (A), or continuous residence in
6 the United States for purposes of paragraph
7 (2), by virtue of brief, casual, and innocent ab-
8 sences from the United States.

9 “(C) ADMISSIONS.—Nothing in this section
10 shall be construed as authorizing an alien to
11 apply for admission to, or to be admitted to, the
12 United States in order to apply for adjustment
13 of status under this subsection.

14 “(4) ADMISSIBLE AS IMMIGRANT.—The alien
15 must establish that the alien—

16 “(A) is admissible to the United States as
17 an immigrant, except as otherwise provided
18 under subsection (e)(2);

19 “(B) has not been convicted of any felony
20 or of three or more misdemeanors committed in
21 the United States;

22 “(C) has not assisted in the persecution of
23 any person or persons on account of race, reli-
24 gion, nationality, membership in a particular
25 social group, or political opinion; and

1 “(D) is registered or registering under the
2 Military Selective Service Act, if the alien is re-
3 quired to be so registered under that Act.

4 “(5) EMPLOYMENT IN UNITED STATES.—

5 “(A) IN GENERAL.—The alien must have
6 been employed (whether or not lawfully) in the
7 United States, in the aggregate, for at least
8 520 of the workdays occurring during the 5-
9 year period ending on the date of the enactment
10 of this Act.

11 “(B) EXCEPTION FOR ALIEN CHILDREN.—
12 Subparagraph (A) shall not apply to an indi-
13 vidual under 23 years of age on the date on
14 which the application was filed under this sub-
15 section.

16 “(C) EVIDENCE OF EMPLOYMENT.—For
17 purposes of satisfying the requirement of sub-
18 paragraph (A), the alien may submit, among
19 other evidence—

20 “(i) records maintained by the Com-
21 missioner of Social Security;

22 “(ii) other employment records;

23 “(iii) tax records;

24 “(iv) bank account records; and

1 “(v) attestations from community
2 leaders, religious leaders, co-workers, or
3 store owners.

4 “(D) BURDEN OF PROOF.—An alien apply-
5 ing for adjustment of status under this sub-
6 section has the burden of proving by a prepon-
7 derance of the evidence that the alien has
8 worked the requisite number of days (as re-
9 quired under subparagraph (A)). An alien can
10 meet such burden of proof by producing suffi-
11 cient evidence to show the extent of that em-
12 ployment as a matter of just and reasonable in-
13 ference. In such a case, the burden then shifts
14 to the Attorney General to disprove the alien’s
15 evidence with a showing which negates the rea-
16 sonableness of the inference to be drawn from
17 the evidence.

18 “(6) PAYMENT OF INCOME TAXES.—

19 “(A) IN GENERAL.—The alien must dem-
20 onstrate the payment of all Federal and State
21 income taxes owed for employment during the
22 3-year period preceding the date the application
23 was filed under this subsection. The alien may
24 satisfy such requirement through demonstrating
25 that no such tax liability exists or through sat-

1 isfaction of all outstanding liabilities (including
2 through execution of a binding agreement to
3 pay back taxes owing).

4 “(7) BASIC CITIZENSHIP SKILLS.—

5 “(A) IN GENERAL.—The alien must dem-
6 onstrate that the alien either—

7 “(i) meets the requirements of section
8 312(a) (relating to minimal understanding
9 of ordinary English and a knowledge and
10 understanding of the history and govern-
11 ment of the United States); or

12 “(ii) is satisfactorily pursuing a
13 course of study (recognized by the Attor-
14 ney General) to achieve such an under-
15 standing of English and such a knowledge
16 and understanding of the history and gov-
17 ernment of the United States.

18 “(B) EXCEPTIONS.—

19 “(i) MANDATORY.—The requirements
20 of subparagraph (A) shall not apply to any
21 person who is—

22 “(I) 65 years of age or older; or

23 “(II) unable because of physical
24 or developmental disability or mental
25 impairment to comply therewith.

1 “(ii) DISCRETIONARY.—The Attorney
2 General may, in his discretion, waive all or
3 part of the requirements of subparagraph
4 (A) in the case of an alien who is 50 years
5 of age or older.

6 “(C) RELATION TO NATURALIZATION EX-
7 AMINATION.—In accordance with regulations of
8 the Attorney General, an alien who has dem-
9 onstrated under subparagraph (A)(i) that the
10 alien meets the requirements of section 312(a)
11 may be considered to have satisfied the require-
12 ments of that section for purposes of becoming
13 naturalized as a citizen of the United States
14 under title III.

15 “(b) FAMILY UNIFICATION.—An alien who, as of the
16 date of filing an application under subsection (a), is the
17 spouse or child of an alien who qualifies for adjustment
18 of status under subsection (a) shall, if not otherwise enti-
19 tled to such adjustment of status, be entitled to the same
20 status if accompanying or following to join the spouse or
21 parent if—

22 “(1) the spouse or child meets the requirements
23 of subsection (a)(4); and

1 “(2) the spouse or child was included in the ap-
2 plication information required under subsection
3 (a)(1)(B).

4 “(c) ADJUSTMENT TO PERMANENT RESIDENT STA-
5 TUS FOR CERTAIN CHILDREN IN MIDDLE OR SECONDARY
6 SCHOOL.—

7 “(1) IN GENERAL.—The Attorney General shall
8 adjust the status of an alien to that of an alien law-
9 fully admitted for permanent residence if the alien
10 meets the following requirements:

11 “(A) TIMELY APPLICATION.—

12 “(i) AGE ON APPLICATION DATE.—

13 The alien must not have attained 25 years
14 of age before the date on which the appli-
15 cation for adjustment under this sub-
16 section was filed.

17 “(ii) OTHER REQUIREMENTS.—The
18 requirements of subparagraphs (A) and
19 (B) of subsection (a)(1) shall apply to an
20 application under this subsection.

21 “(B) CONTINUOUS PRESENCE.—

22 “(i) IN GENERAL.—The alien must es-
23 tablish that the alien was present in the
24 United States on the date of the enactment
25 of this section and has been present in the

1 United States for a continuous period of
2 not less than 5 years immediately pre-
3 ceding the date on which the application
4 under subparagraph (A) was filed.

5 “(ii) TREATMENT OF BRIEF, CASUAL,
6 AND INNOCENT ABSENCES.—An alien shall
7 not be considered to have failed to main-
8 tain a continuous presence in the United
9 States for purposes of clause (i) by virtue
10 of brief, casual, and innocent absences
11 from the United States.

12 “(iii) ADMISSIONS.—Nothing in this
13 section shall be construed as authorizing
14 an alien to apply for admission to, or to be
15 admitted to, the United States in order to
16 apply for adjustment of status under this
17 subsection.

18 “(C) GOOD MORAL CHARACTER.—The
19 alien must demonstrate that the alien has been
20 a person of good moral character during the 5
21 years immediately preceding the date on which
22 the application under subparagraph (A) was
23 filed.

24 “(D) STUDENT.—The alien, at the time of
25 application, must be enrolled at or above the

1 7th grade level in a school in the United States
2 or be enrolled in, or actively pursuing admission
3 to, an institution of higher education in the
4 United States (as defined in section 101 of the
5 Higher Education Act of 1965 (20 U.S.C.
6 1001)).

7 “(E) ADMISSIBLE AS IMMIGRANT.—The
8 alien must satisfy the requirements of sub-
9 section (a)(4).

10 “(2) NO DERIVATIVE RIGHT OF PARENTS.—The
11 parent of an alien who adjusts status pursuant to
12 this subsection shall not be granted the same status
13 by reason of accompanying or following to join un-
14 less otherwise entitled to such status.

15 “(d) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

16 “(1) TO WHOM MAY BE MADE.—The Attorney
17 General shall provide that applications for adjust-
18 ment of status under this section may be filed—

19 “(A) with the Attorney General; or

20 “(B) with a qualified designated entity,
21 but only if the applicant consents to the for-
22 warding of the application to the Attorney Gen-
23 eral.

1 As used in this section, the term ‘qualified des-
2 ignated entity’ means an organization or person des-
3 ignated under paragraph (2).

4 “(2) DESIGNATION OF QUALIFIED ENTITIES TO
5 RECEIVE APPLICATIONS.—For purposes of assisting
6 in the program of legalization provided under this
7 section, the Attorney General—

8 “(A) shall designate qualified voluntary or-
9 ganizations and other qualified State, local, and
10 community organizations; and

11 “(B) may designate such other persons as
12 the Attorney General determines are qualified
13 and have substantial experience, demonstrated
14 competence, and traditional long-term involve-
15 ment in the preparation and submittal of appli-
16 cations for adjustment of status under section
17 209 or 245, Public Law 89–732, or Public Law
18 95–145 (including qualified designated entities
19 under section 245A).

20 “(3) TREATMENT OF APPLICATIONS BY DES-
21 IGNATED ENTITIES.—Each qualified designated enti-
22 ty must agree to forward to the Attorney General
23 applications filed with it in accordance with para-
24 graph (1)(B) but not to forward to the Attorney
25 General applications filed with it unless the appli-

1 cant has consented to such forwarding. No such en-
2 tity may make a determination required by this sec-
3 tion to be made by the Attorney General.

4 “(4) LIMITATION ON ACCESS TO INFORMA-
5 TION.—Files and records of qualified designated en-
6 tities relating to an alien’s seeking assistance or in-
7 formation with respect to filing an application under
8 this section are confidential and the Attorney Gen-
9 eral and the Service shall not have access to such
10 files or records relating to an alien without the con-
11 sent of the alien.

12 “(5) CONFIDENTIALITY OF INFORMATION.—

13 “(A) IN GENERAL.—Except as provided in
14 this paragraph, neither the Attorney General,
15 nor any other official or employee of the De-
16 partment of Justice, or bureau or agency there-
17 of, may—

18 “(i) use the information furnished by
19 the applicant pursuant to an application
20 filed under this section for any purpose
21 other than to make a determination on the
22 application for enforcement of paragraph
23 (6), or for the preparation of reports to
24 Congress under law;

1 “(ii) make any publication whereby
2 the information furnished by any par-
3 ticular applicant can be identified; or

4 “(iii) permit anyone other than the
5 sworn officers and employees of the De-
6 partment or bureau or agency or, with re-
7 spect to applications filed with a des-
8 ignated entity, that designated entity, to
9 examine individual applications.

10 “(B) REQUIRED DISCLOSURES.—The At-
11 torney General shall provide the information
12 furnished under this section, and any other in-
13 formation derived from such furnished informa-
14 tion, to a duly recognized law enforcement enti-
15 ty in connection with a criminal investigation or
16 prosecution, when such information is requested
17 in writing by such entity, or to an official cor-
18 oner for purposes of affirmatively identifying a
19 deceased individual (whether or not such indi-
20 vidual is deceased as a result of a crime).

21 “(C) AUTHORIZED DISCLOSURES.—The
22 Attorney General may provide, in the Attorney
23 General’s discretion, for the furnishing of infor-
24 mation furnished under this section in the same
25 manner and circumstances as census informa-

tion may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

“(D) CONSTRUCTION.—

“(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Service pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

“(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement purposes.

“(E) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than \$10,000.

1 “(6) PENALTIES FOR FALSE STATEMENTS IN
2 APPLICATIONS.—Whoever files an application for ad-
3 justment of status under this section and knowingly
4 and willfully falsifies, misrepresents, conceals, or
5 covers up a material fact or makes any false, ficti-
6 tious, or fraudulent statements or representations,
7 or makes or uses any false writing or document
8 knowing the same to contain any false, fictitious, or
9 fraudulent statement or entry, shall be fined in ac-
10 cordance with title 18, United States Code, or im-
11 prisoned not more than 5 years, or both.

12 “(7) APPLICATION FEES.—

13 “(A) FEE SCHEDULE.—The Attorney Gen-
14 eral, in consultation with the Congress, shall
15 provide for a schedule of fees to be charged for
16 the filing of applications for adjustment under
17 this section. Such fees may not exceed \$100 per
18 individual or \$300 per family.

19 “(B) USE OF FEES.—The Attorney Gen-
20 eral shall deposit payments received under this
21 paragraph in a separate account and amounts
22 in such account shall be available, without fiscal
23 year limitation, to cover administrative and
24 other expenses incurred in connection with the
25 review of applications filed under this section.

1 “(e) WAIVER OF NUMERICAL LIMITATIONS AND CER-
2 TAIN GROUNDS FOR INADMISSIBILITY.—

3 “(1) NUMERICAL LIMITATIONS DO NOT
4 APPLY.—The numerical limitations of sections 201
5 and 202 shall not apply to the adjustment of aliens
6 to lawful permanent resident status under this sec-
7 tion.

8 “(2) WAIVER OF GROUNDS FOR INADMIS-
9 SIBILITY.—In the determination of an alien’s admis-
10 sibility under this section, the following provisions
11 shall apply:

12 “(A) GROUNDS OF INADMISSIBILITY NOT
13 APPLICABLE.—The provisions of paragraphs
14 (5), (6)(A), (6)(C), (6)(F), (6)(G), (7)(A),
15 (9)(B), and (9)(C) of section 212(a) shall not
16 apply.

17 “(B) WAIVER OF OTHER GROUNDS.—

18 “(i) IN GENERAL.—Except as pro-
19 vided in clause (ii), the Attorney General
20 may waive any other provision of section
21 212(a) in the case of individual aliens for
22 humanitarian purposes, to assure family
23 unity, or when it is otherwise in the public
24 interest.

1 “(ii) GROUNDS THAT MAY NOT BE
2 WAIVED.—The following provisions of sec-
3 tion 212(a) may not be waived by the At-
4 torney General under clause (i):

5 “(I) Paragraphs (2)(A) and
6 (2)(B) (relating to criminals).

7 “(II) Paragraph (2)(C) (relating
8 to drug offenses), except for so much
9 of such paragraph as relates to a sin-
10 gle offense of simple possession of 30
11 grams or less of marijuana.

12 “(III) Paragraph (3) (relating to
13 security and related grounds).

14 “(IV) Paragraph (4) (relating to
15 aliens likely to become public
16 charges).

17 Subclause (IV) (prohibiting the waiver of
18 section 212(a)(4)) shall not apply to an
19 alien who is or was an aged, blind, or dis-
20 abled individual (as defined in section
21 1614(a)(1) of the Social Security Act).

22 “(iii) SPECIAL RULE FOR DETERMINA-
23 TION OF PUBLIC CHARGE.—An alien is not
24 ineligible for adjustment of status under
25 this section due to being inadmissible

1 under section 212(a)(4) if the alien dem-
2 onstrates a history of employment in the
3 United States evidencing self-support with-
4 out receipt of public cash assistance.

5 “(C) MEDICAL EXAMINATION.—The alien
6 shall be required, at the alien’s expense, to un-
7 dergo such a medical examination (including a
8 determination of immunization status) as is ap-
9 propriate and conforms to generally accepted
10 professional standards of medical practice.

11 “(f) TEMPORARY STAY OF REMOVAL AND WORK AU-
12 THORIZATION FOR CERTAIN APPLICANTS.—

13 “(1) BEFORE APPLICATION PERIOD.—The At-
14 torney General shall provide that in the case of an
15 alien who is apprehended before the beginning of the
16 application period described in subsection (a)(1)(A)
17 and who can establish a prima facie case of eligi-
18 bility to have the alien’s status adjusted under this
19 section (but for the fact that the alien may not apply
20 for such adjustment until the beginning of such pe-
21 riod), until the alien has had the opportunity during
22 the first 120 days of the application period to com-
23 plete the filing of an application for adjustment, the
24 alien—

1 “(A) may not be removed from the United
2 States; and

3 “(B) shall be granted authorization to en-
4 gage in employment in the United States and
5 be provided an ‘employment authorized’ en-
6 dorsement or other appropriate work permit.

7 “(2) DURING APPLICATION PERIOD.—The At-
8 torney General shall provide that in the case of an
9 alien who presents a prima facie application for ad-
10 justment of status under this section during the ap-
11 plication period, and until a final determination on
12 the application has been made in accordance with
13 this section, including any judicial review thereof,
14 the alien—

15 “(A) may not be removed from the United
16 States; and

17 “(B) shall be granted authorization to en-
18 gage in employment in the United States and
19 be provided an ‘employment authorized’ en-
20 dorsement or other appropriate work permit.

21 “(3) ADVANCE PAROLE AUTHORITY.—The At-
22 torney General shall establish a process for the ap-
23 proval of advance parole (under section 212(d)(5))
24 for applicants to travel outside the United States
25 with prior approval in the case of—

1 “(A) business or family necessity; or

2 “(B) emergency or extenuating cir-
3 cumstances outside the control of the alien.

4 “(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

5 “(1) IN GENERAL.—There shall be no adminis-
6 trative or judicial review of a determination respect-
7 ing an application for adjustment of status under
8 this section except in accordance with this sub-
9 section.

10 “(2) ADMINISTRATIVE REVIEW.—

11 “(A) SINGLE LEVEL OF ADMINISTRATIVE
12 APPELLATE REVIEW.—The Attorney General
13 shall establish an appellate authority to provide
14 for a single level of administrative appellate re-
15 view of a determination described in paragraph
16 (1).

17 “(B) STANDARD FOR REVIEW.—Such ad-
18 ministrative appellate review shall be based
19 solely upon the administrative record estab-
20 lished at the time of the determination on the
21 application and upon such additional or newly
22 discovered evidence as may not have been avail-
23 able at the time of the determination.

24 “(3) JUDICIAL REVIEW.—

1 “(A) DIRECT REVIEW.—A person whose
2 application for adjustment of status under this
3 section is denied after administrative appellate
4 review under paragraph (2) may seek review of
5 such denial before the United States district
6 court for the district in which such person re-
7 sides in accordance with chapter 7 of title 5,
8 United States Code.

9 “(B) REVIEW AFTER REMOVAL PRO-
10 CEEDINGS.—There shall be judicial review of
11 the denial of an application for adjustment of
12 status under this section in the judicial review
13 of an order of removal, deportation, or exclu-
14 sion, but only if the validity of the denial has
15 not been upheld in a prior judicial proceeding
16 under subparagraph (A). Notwithstanding any
17 other provision of law, the standard for review
18 of such a denial shall be governed by subpara-
19 graph (C).

20 “(C) STANDARD FOR JUDICIAL REVIEW.—
21 Judicial review of a denial of an application
22 under this section shall be based solely upon the
23 administrative record established at the time of
24 the review. The findings of fact and other de-
25 terminations contained in the record shall be

1 conclusive unless the applicant can establish
2 abuse of discretion or that the findings are di-
3 rectly contrary to clear and convincing facts
4 contained in the record, considered as a whole.

5 “(D) JURISDICTION OF COURTS.—Not-
6 withstanding any other provision of law, the
7 district courts of the United States shall have
8 jurisdiction over any cause or claim arising
9 from a pattern or practice of the Attorney Gen-
10 eral in the operation or implementation of this
11 section that is arbitrary, capricious, or other-
12 wise contrary to law, and may order any appro-
13 priate relief. The district courts may order any
14 appropriate relief in accordance with the pre-
15 ceding sentence without regard to exhaustion,
16 ripeness, or other standing requirements, if the
17 court determines that resolution of such cause
18 or claim will serve judicial and administrative
19 efficiency or that a remedy would otherwise not
20 be reasonably available or practicable.

21 “(h) INAPPLICABILITY OF REMOVAL ORDER REIN-
22 STATEMENT.—Section 241(a)(5) shall not apply with re-
23 spect to an alien who is applying for adjustment of status
24 under this section.

25 “(i) IMPLEMENTATION OF SECTION.—

1 “(1) IN GENERAL.—Except as otherwise pro-
2 vided in this section, for comparable provisions of
3 this section and section 245A, the Attorney General
4 shall base the regulations prescribed to implement
5 this section on the regulations (as implemented after
6 judicial review) prescribed by the Attorney General
7 under section 245A(g) that were most recently in ef-
8 fect before the date of the enactment of this section.

9 “(2) IDENTITY.—

10 “(A) IN GENERAL.—The Attorney General,
11 after consultation with the Committees on the
12 Judiciary of the House of Representatives and
13 of the Senate, shall prescribe regulations with
14 respect to how an alien may establish his or her
15 identity for purposes of this section.

16 “(B) EVIDENCE.—The Attorney General
17 shall provide that the applicant may submit evi-
18 dence to establish his or her identity, includ-
19 ing—

20 “(i) attestations;

21 “(ii) photographs;

22 “(iii) rental records;

23 “(iv) medical records; and

24 “(v) employment records.

25 “(3) TREATMENT OF CERTAIN ABSENCES.—

1 “(A) WAIVER.—The Attorney General may
2 provide for a waiver, in the discretion of the At-
3 torney General, of an absence from the United
4 States that otherwise would be considered to
5 break a period of continuous residence in the
6 case of an absence from the United States due
7 merely to a brief temporary trip abroad re-
8 quired by—

9 “(i) business or family necessity; or

10 “(ii) emergency or extenuating cir-
11 cumstances outside the control of the alien.

12 “(B) ABSENCES CAUSED BY REMOVAL.—If
13 a waiver is granted pursuant to subsection
14 (e)(2)(B) for an alien who is inadmissible under
15 section 212(a)(9)(A) due to having been or-
16 dered removed, or having departed the United
17 States while an order of removal was out-
18 standing, the Attorney General shall provide
19 that any period of time during which the alien
20 is outside the United States because of such re-
21 moval or departure shall be disregarded in de-
22 termining any period of continuous residence or
23 presence in the United States for purposes of
24 this section.

1 “(j) DISSEMINATION OF INFORMATION ON LEGAL-
 2 IZATION PROGRAM.—Beginning not later than the first
 3 day of the application period described in subsection
 4 (a)(1)(A), the Attorney General, in cooperation with quali-
 5 fied designated entities, shall broadly disseminate informa-
 6 tion respecting the benefits which aliens may receive under
 7 this section and the requirements to obtain such bene-
 8 fits.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
 10 of such Act is amended by inserting after the item relating
 11 to section 245A the following new item:

“245B. Adjustment of status of certain long-term resident workers and college-
 bound students to that of alien lawfully admitted for permanent residence.”.

12 **SEC. 3. FAMILY UNIFICATION.**

13 Section 201(c)(2) of the Immigration and Nationality
 14 Act (8 U.S.C. 1151(c)(2)) is amended by striking “the
 15 sum of the number of aliens described in subparagraphs
 16 (A) and (B) of subsection (b)(2)” and inserting “the num-
 17 ber of aliens described in subsection (b)(2)(B)”.

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