

115TH CONGRESS
1ST SESSION

H. R. 3440

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Ms. ROYBAL-ALLARD (for herself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children 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 “Dream Act of 2017”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

1 (1) IN GENERAL.—Except as otherwise specifi-
2 cally provided, any term used in this Act that is
3 used in the immigration laws shall have the meaning
4 given such term in the immigration laws.

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

9 (3) DISABILITY.—The term “disability” has the
10 meaning given such term in section 3(1) of the
11 Americans with Disabilities Act of 1990 (42 U.S.C.
12 12102(1)).

13 (4) EARLY CHILDHOOD EDUCATION PRO-
14 GRAM.—The term “early childhood education pro-
15 gram” has the meaning given such term in section
16 103 of the Higher Education Act of 1965 (20
17 U.S.C. 1003).

18 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
19 ONDARY SCHOOL.—The terms “elementary school”,
20 “high school”, and “secondary school” have the
21 meanings given such terms in section 8101 of the
22 Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 7801).

24 (6) IMMIGRATION LAWS.—The term “immigra-
25 tion laws” has the meaning given such term in sec-

tion 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

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

(A) except as provided in subparagraph

(B), has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and

(B) does not include an institution of higher education outside of the United States.

(8) PERMANENT RESIDENT STATUS ON A CONDITIONAL BASIS.—The term “permanent resident status on a conditional basis” means status as an alien lawfully admitted for permanent residence on a conditional basis under this Act.

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

(10) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Homeland Security.

(11) UNIFORMED SERVICES.—The term “Uniformed Services” has the meaning given the term

1 “uniformed services” in section 101(a) of title 10,
2 United States Code.

3 **SEC. 3. PERMANENT RESIDENT STATUS ON A CONDITIONAL**
4 **BASIS FOR CERTAIN LONG-TERM RESIDENTS**
5 **WHO ENTERED THE UNITED STATES AS CHIL-**
6 **DREN.**

7 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-
8 standing any other provision of law, an alien shall be con-
9 sidered, at the time of obtaining the status of an alien
10 lawfully admitted for permanent residence under this sec-
11 tion, to have obtained such status on a conditional basis
12 subject to the provisions under this Act.

13 (b) **REQUIREMENTS.**—

14 (1) **IN GENERAL.**—Notwithstanding any other
15 provision of law, the Secretary shall cancel the re-
16 moval of, and adjust to the status of an alien law-
17 fully admitted for permanent residence on a condi-
18 tional basis, an alien who is inadmissible or deport-
19 able from the United States or is in temporary pro-
20 tected status under section 244 of the Immigration
21 and Nationality Act (8 U.S.C. 1254a), if—

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

1 (B) the alien was younger than 18 years of
2 age on the date on which the alien initially en-
3 tered the United States;

4 (C) subject to paragraphs (2) and (3), the
5 alien—

6 (i) is not inadmissible under para-
7 graph (2), (3), (6)(E), (6)(G), (8),
8 (10)(A), (10)(C), or (10)(D) of section
9 212(a) of the Immigration and Nationality
10 Act (8 U.S.C. 1182(a));

11 (ii) has not ordered, incited, assisted,
12 or otherwise participated in the persecution
13 of any person on account of race, religion,
14 nationality, membership in a particular so-
15 cial group, or political opinion; and

16 (iii) has not been convicted of—

17 (I) any offense under Federal or
18 State law, other than a State offense
19 for which an essential element is the
20 alien's immigration status, that is
21 punishable by a maximum term of im-
22 prisonment of more than 1 year; or

23 (II) three or more offenses under
24 Federal or State law, other than State
25 offenses for which an essential ele-

1 ment is the alien's immigration sta-
2 tus, for which the alien was convicted
3 on different dates for each of the 3 of-
4 fenses and imprisoned for an aggre-
5 gate of 90 days or more; and

6 (D) the alien—

7 (i) has been admitted to an institution
8 of higher education;

9 (ii) has earned a high school diploma
10 or a commensurate alternative award from
11 a public or private high school, or has ob-
12 tained a general education development
13 certificate recognized under State law or a
14 high school equivalency diploma in the
15 United States; or

16 (iii) is enrolled in secondary school or
17 in an education program assisting students
18 in—

19 (I) obtaining a regular high
20 school diploma or its recognized equiv-
21 alent under State law; or

22 (II) in passing a general edu-
23 cational development exam, a high
24 school equivalence diploma examina-

1 tion, or other similar State-authorized
2 exam.

3 (2) WAIVER.—With respect to any benefit
4 under this Act, the Secretary may waive the grounds
5 of inadmissibility under paragraph (2), (6)(E),
6 (6)(G), or (10)(D) of section 212(a) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-
8 manitarian purposes or family unity or if the waiver
9 is otherwise in the public interest.

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

21 (4) DACA RECIPIENTS.—The Secretary shall
22 cancel the removal of, and adjust to the status of an
23 alien lawfully admitted for permanent residence on
24 a conditional basis, an alien who was granted DACA
25 unless the alien has engaged in conduct since the

1 alien was granted DACA that would make the alien
2 ineligible for DACA.

3 (5) APPLICATION FEE.—

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

9 (B) EXEMPTION.—An applicant may be
10 exempted from paying the fee required under
11 subparagraph (A) if the alien—

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

13 (II) received total income, during the
14 12-month period immediately preceding the
15 date on which the alien files an application
16 under this section, that is less than 150
17 percent of the poverty line; and

18 (III) is in foster care or otherwise
19 lacking any parental or other familial sup-
20 port;

21 (ii) is younger than 18 years of age
22 and is homeless;

23 (iii)(I) cannot care for himself or her-
24 self because of a serious, chronic disability;
25 and

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

(iv)(I) during the 12-month period immediately preceding the date on which the alien files an application under this section, accumulated \$10,000 or more in debt as a result of unreimbursed medical expenses incurred by the alien or an immediate family member of the alien; and

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

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary may not grant an alien permanent resident status on a conditional basis under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for aliens who

1 are unable to provide such biometric or biographic
2 data because of a physical impairment.

3 (7) BACKGROUND CHECKS.—

4 (A) REQUIREMENT FOR BACKGROUND
5 CHECKS.—The Secretary shall utilize biometric,
6 biographic, and other data that the Secretary
7 determines appropriate—

8 (i) to conduct security and law en-
9 forcement background checks of an alien
10 seeking permanent resident status on a
11 conditional basis under this section; and

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

16 (B) COMPLETION OF BACKGROUND
17 CHECKS.—The security and law enforcement
18 background checks of an alien required under
19 subparagraph (A) shall be completed, to the
20 satisfaction of the Secretary, before the date on
21 which the Secretary grants such alien perma-
22 nent resident status on a conditional basis
23 under this section.

24 (8) MEDICAL EXAMINATION.—

1 (A) REQUIREMENT.—An alien applying for
2 permanent resident status on a conditional
3 basis under this section shall undergo a medical
4 examination.

5 (B) POLICIES AND PROCEDURES.—The
6 Secretary, with the concurrence of the Sec-
7 retary of Health and Human Services, shall
8 prescribe policies and procedures for the nature
9 and timing of the examination required under
10 subparagraph (A).

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

17 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

18 (1) TERMINATION OF CONTINUOUS PERIOD.—
19 Any period of continuous physical presence in the
20 United States of an alien who applies for permanent
21 resident status on a conditional basis under this sec-
22 tion shall not terminate when the alien is served a
23 notice to appear under section 239(a) of the Immi-
24 gration and Nationality Act (8 U.S.C. 1229(a)).

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

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

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

20 (C) TRAVEL AUTHORIZED BY THE SEC-
21 RETARY.—Any period of travel outside of the
22 United States by an alien that was authorized
23 by the Secretary may not be counted toward
24 any period of departure from the United States
25 under subparagraph (A).

1 (d) LIMITATION ON REMOVAL OF CERTAIN
2 ALIENS.—

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

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

14 (3) CERTAIN ALIENS ENROLLED IN ELEMEN-
15 TARY OR SECONDARY SCHOOL.—

16 (A) STAY OF REMOVAL.—The Attorney
17 General shall stay the removal proceedings of
18 an alien who—

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

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

1 (iii) is enrolled in an elementary
2 school, a secondary school, or an early
3 childhood education program.

4 (B) COMMENCEMENT OF REMOVAL PRO-
5 CEEDINGS.—The Secretary may not commence
6 removal proceedings for an alien described in
7 subparagraph (A).

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

14 (D) LIFT OF STAY.—The Secretary or At-
15 torney General may not lift the stay granted to
16 an alien under subparagraph (A) unless the
17 alien ceases to meet the requirements under
18 such subparagraph.

19 (e) EXEMPTION FROM NUMERICAL LIMITATIONS.—
20 Nothing in this section or in any other law may be con-
21 strued to apply a numerical limitation on the number of
22 aliens who may be granted permanent resident status on
23 a conditional basis under this Act.

1 **SEC. 4. TERMS OF PERMANENT RESIDENT STATUS ON A**
2 **CONDITIONAL BASIS.**

3 (a) PERIOD OF STATUS.—Permanent resident status
4 on a conditional basis is—

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

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

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

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

16 (1) determines that the alien ceases to meet the
17 requirements under paragraph (1)(C) of section
18 3(b), subject to paragraphs (2) and (3) of that sec-
19 tion; and

20 (2) prior to the termination, provides the
21 alien—

22 (A) notice of the proposed termination;
23 and

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

1 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

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

11 (2) SPECIAL RULE FOR TEMPORARY PRO-
12 TECTED STATUS.—An alien whose permanent resi-
13 dent status on a conditional basis expires under sub-
14 section (a)(1) or is terminated under subsection (c)
15 or whose application for such status is denied and
16 who had temporary protected status under section
17 244 of the Immigration and Nationality Act (8
18 U.S.C. 1254a) immediately before receiving or ap-
19 plying for such permanent resident status on a con-
20 ditional basis, as appropriate, may not return to
21 such temporary protected status if—

22 (A) the relevant designation under section
23 244(b) of the Immigration and Nationality Act
24 (8 U.S.C. 1254a(b)) has been terminated; or

1 (B) the Secretary determines that the rea-
2 son for terminating the permanent resident sta-
3 tus on a conditional basis renders the alien in-
4 eligible for such temporary protected status.

5 **SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**
6 **RESIDENT STATUS.**

7 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
8 BASIS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
10 the Secretary shall remove the conditional basis of
11 an alien’s permanent resident status granted under
12 this Act and grant the alien status as an alien law-
13 fully admitted for permanent residence if the alien—

14 (A) is described in paragraph (1)(C) of
15 section 3(b), subject to paragraphs (2) and (3)
16 of that section;

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

19 (C)(i) has acquired a degree from an insti-
20 tution of higher education or has completed at
21 least 2 years, in good standing, in a program
22 for a bachelor’s degree or higher degree in the
23 United States;

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

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

15 (2) HARDSHIP EXCEPTION.—

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

21 (i) satisfies the requirements under
22 subparagraphs (A) and (B) of paragraph
23 (1);

24 (ii) demonstrates compelling cir-
25 cumstances for the inability to satisfy the

1 requirements under subparagraph (C) of
2 such paragraph; and

3 (iii) demonstrates that—

4 (I) the alien has a disability;

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

7 (III) the removal of the alien
8 from the United States would result
9 in extreme hardship to the alien or
10 the alien's spouse, parent, or child
11 who is a national of the United States
12 or is lawfully admitted for permanent
13 residence.

14 (3) CITIZENSHIP REQUIREMENT.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the conditional basis of an
17 alien's permanent resident status granted under
18 this Act may not be removed unless the alien
19 demonstrates that the alien satisfies the re-
20 quirements under section 312(a) of the Immi-
21 gration and Nationality Act (8 U.S.C. 1423(a)).

22 (B) EXCEPTION.—Subparagraph (A) shall
23 not apply to an alien who is unable to meet the
24 requirements under such section 312(a) due to
25 disability.

1 (4) APPLICATION FEE.—

2 (A) IN GENERAL.—The Secretary may re-
3 quire aliens applying for lawful permanent resi-
4 dent status under this section to pay a reason-
5 able fee that is commensurate with the cost of
6 processing the application.

7 (B) EXEMPTION.—An applicant may be
8 exempted from paying the fee required under
9 subparagraph (A) if the alien—

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

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

16 (III) is in foster care or otherwise
17 lacking any parental or other familial sup-
18 port;

19 (ii) is younger than 18 years of age
20 and is homeless;

21 (iii)(I) cannot care for himself or her-
22 self because of a serious, chronic disability;
23 and

24 (II) received total income, during the
25 12-month period immediately preceding the

1 date on which the alien files an application
2 under this section, that is less than 150
3 percent of the poverty line; or

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

12 (II) received total income, during the
13 12-month period immediately preceding the
14 date on which the alien files an application
15 under this section, that is less than 150
16 percent of the poverty line.

17 (5) SUBMISSION OF BIOMETRIC AND BIO-
18 GRAPHIC DATA.—The Secretary may not remove the
19 conditional basis of an alien’s permanent resident
20 status unless the alien submits biometric and bio-
21 graphic data, in accordance with procedures estab-
22 lished by the Secretary. The Secretary shall provide
23 an alternative procedure for applicants who are un-
24 able to provide such biometric data because of a
25 physical impairment.

1 (6) BACKGROUND CHECKS.—

2 (A) REQUIREMENT FOR BACKGROUND
3 CHECKS.—The Secretary shall utilize biometric,
4 biographic, and other data that the Secretary
5 determines appropriate—

6 (i) to conduct security and law en-
7 forcement background checks of an alien
8 applying for removal of the conditional
9 basis of the alien’s permanent resident sta-
10 tus; and

11 (ii) to determine whether there is any
12 criminal, national security, or other factor
13 that would render the alien ineligible for
14 removal of such conditional basis.

15 (B) COMPLETION OF BACKGROUND
16 CHECKS.—The security and law enforcement
17 background checks of an alien required under
18 subparagraph (A) shall be completed, to the
19 satisfaction of the Secretary, before the date on
20 which the Secretary removes the conditional
21 basis of the alien’s permanent resident status.

22 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
23 TION.—

24 (1) IN GENERAL.—For purposes of title III of
25 the Immigration and Nationality Act (8 U.S.C. 1401

1 et seq.), an alien granted permanent resident status
2 on a conditional basis shall be considered to have
3 been admitted to the United States, and be present
4 in the United States, as an alien lawfully admitted
5 for permanent residence.

6 (2) LIMITATION ON APPLICATION FOR NATU-
7 RALIZATION.—An alien may not apply for natu-
8 ralization while the alien is in permanent resident
9 status on a conditional basis.

10 **SEC. 6. DOCUMENTATION REQUIREMENTS.**

11 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
12 alien’s application for permanent resident status on a con-
13 ditional basis may include, as proof of identity—

14 (1) a passport or national identity document
15 from the alien’s country of origin that includes the
16 alien’s name and the alien’s photograph or finger-
17 print;

18 (2) the alien’s birth certificate and an identity
19 card that includes the alien’s name and photograph;

20 (3) a school identification card that includes the
21 alien’s name and photograph, and school records
22 showing the alien’s name and that the alien is or
23 was enrolled at the school;

24 (4) a Uniformed Services identification card
25 issued by the Department of Defense;

1 (5) any immigration or other document issued
2 by the United States Government bearing the alien's
3 name and photograph; or

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

6 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-
7 ICAL PRESENCE IN THE UNITED STATES.—To establish
8 that an alien has been continuously physically present in
9 the United States, as required under section 3(b)(1)(A),
10 or to establish that an alien has not abandoned residence
11 in the United States, as required under section 5(a)(1)(B),
12 the alien may submit documents to the Secretary, includ-
13 ing—

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

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

18 (3) records of service from the Uniformed Serv-
19 ices;

20 (4) official records from a religious entity con-
21 firming the alien's participation in a religious cere-
22 mony;

23 (5) passport entries;

24 (6) a birth certificate for a child who was born
25 in the United States;

- 1 (7) automobile license receipts or registration;
- 2 (8) deeds, mortgages, or rental agreement con-
- 3 tracts;
- 4 (9) tax receipts;
- 5 (10) insurance policies;
- 6 (11) remittance records;
- 7 (12) rent receipts or utility bills bearing the
- 8 alien's name or the name of an immediate family
- 9 member of the alien, and the alien's address;
- 10 (13) copies of money order receipts for money
- 11 sent in or out of the United States;
- 12 (14) dated bank transactions; or
- 13 (15) two or more sworn affidavits from individ-
- 14 uals who are not related to the alien who have direct
- 15 knowledge of the alien's continuous physical pres-
- 16 ence in the United States, that contain—
- 17 (A) the name, address, and telephone num-
- 18 ber of the affiant; and
- 19 (B) the nature and duration of the rela-
- 20 tionship between the affiant and the alien.
- 21 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
- 22 INTO THE UNITED STATES.—To establish under section
- 23 3(b)(1)(B) that an alien was younger than 18 years of
- 24 age on the date on which the alien initially entered the

1 United States, an alien may submit documents to the Sec-
2 retary, including—

3 (1) an admission stamp on the alien’s passport;

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

6 (3) any document from the Department of Jus-
7 tice or the Department of Homeland Security stat-
8 ing the alien’s date of entry into the United States;

9 (4) hospital or medical records showing medical
10 treatment or hospitalization, the name of the med-
11 ical facility or physician, and the date of the treat-
12 ment or hospitalization;

13 (5) rent receipts or utility bills bearing the
14 alien’s name or the name of an immediate family
15 member of the alien, and the alien’s address;

16 (6) employment records that include the em-
17 ployer’s name and contact information;

18 (7) official records from a religious entity con-
19 firming the alien’s participation in a religious cere-
20 mony;

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

23 (9) automobile license receipts or registration;

24 (10) deeds, mortgages, or rental agreement con-
25 tracts;

- 1 (11) tax receipts;
- 2 (12) travel records;
- 3 (13) copies of money order receipts sent in or
- 4 out of the country;
- 5 (14) dated bank transactions;
- 6 (15) remittance records; or
- 7 (16) insurance policies.

8 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
9 INSTITUTION OF HIGHER EDUCATION.—To establish that
10 an alien has been admitted to an institution of higher edu-
11 cation, the alien shall submit to the Secretary a document
12 from the institution of higher education certifying that the
13 alien—

- 14 (1) has been admitted to the institution; or
- 15 (2) is currently enrolled in the institution as a
- 16 student.

17 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
18 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—
19 To establish that an alien has acquired a degree from an
20 institution of higher education in the United States, the
21 alien shall submit to the Secretary a diploma or other doc-
22 ument from the institution stating that the alien has re-
23 ceived such a degree.

24 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
25 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-

1 MENT CERTIFICATE, OR A RECOGNIZED EQUIVALENT.—

2 To establish that an alien has earned a high school di-
3 ploma or a commensurate alternative award from a public
4 or private high school, or has obtained a general edu-
5 cational development certificate recognized under State
6 law or a high school equivalency diploma in the United
7 States, the alien shall submit to the Secretary—

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

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

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

15 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
16 EDUCATIONAL PROGRAM.—To establish that an alien is
17 enrolled in any school or education program described in
18 section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the
19 alien shall submit school records from the United States
20 school that the alien is currently attending that include—

21 (1) the name of the school; and

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

24 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
25 APPLICATION FEES.—To establish that an alien is exempt

1 from an application fee under section 3(b)(5)(B) or
2 5(a)(4)(B), the alien shall submit to the Secretary the fol-
3 lowing relevant documents:

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

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

11 (A) employment records that have been
12 maintained by the Social Security Administra-
13 tion, the Internal Revenue Service, or any other
14 Federal, State, or local government agency;

15 (B) bank records; or

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

20 (i) the name, address, and telephone
21 number of the affiant; and

22 (ii) the nature and duration of the re-
23 lationship between the affiant and the
24 alien.

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

10 (A) a statement that the alien is in foster
11 care, otherwise lacks any parental or other fa-
12 miliar support, is homeless, or has a serious,
13 chronic disability, as appropriate;

14 (B) the name, address, and telephone num-
15 ber of the affiant; and

16 (C) the nature and duration of the rela-
17 tionship between the affiant and the alien.

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

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

24 (B) bear the name of the individual receiv-
25 ing treatment; and

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

6 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
7 HARDSHIP EXEMPTION.—To establish that an alien satis-
8 fies one of the criteria for the hardship exemption set forth
9 in section 5(a)(2)(A)(iii), the alien shall submit to the Sec-
10 retary at least 2 sworn affidavits from individuals who are
11 not related to the alien and who have direct knowledge
12 of the circumstances that warrant the exemption, that
13 contain—

14 (1) the name, address, and telephone number of
15 the affiant; and

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

18 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
19 UNIFORMED SERVICES.—To establish that an alien has
20 served in the Uniformed Services for at least 2 years and,
21 if discharged, received an honorable discharge, the alien
22 shall submit to the Secretary—

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

24 (2) a National Guard Report of Separation and
25 Record of Service form 22;

1 (3) personnel records for such service from the
2 appropriate Uniformed Service; or

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

5 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

6 (1) IN GENERAL.—An alien may satisfy the em-
7 ployment requirement under section 5(a)(1)(C)(iii)
8 by submitting records that—

9 (A) establish compliance with such employ-
10 ment requirement; and

11 (B) have been maintained by the Social Se-
12 curity Administration, the Internal Revenue
13 Service, or any other Federal, State, or local
14 government agency.

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

20 (A) bank records;

21 (B) business records;

22 (C) employer records;

23 (D) records of a labor union, day labor
24 center, or organization that assists workers in
25 employment;

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

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

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

9 (F) remittance records.

10 (I) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-
 11 UMENTS.—If the Secretary determines, after publication
 12 in the Federal Register and an opportunity for public com-
 13 ment, that any document or class of documents does not
 14 reliably establish identity or that permanent resident sta-
 15 tus on a conditional basis is being obtained fraudulently
 16 to an unacceptable degree, the Secretary may prohibit or
 17 restrict the use of such document or class of documents.

18 **SEC. 7. RULEMAKING.**

19 (a) INITIAL PUBLICATION.—Not later than 90 days
 20 after the date of the enactment of this Act, the Secretary
 21 shall publish regulations implementing this Act in the
 22 Federal Register. Such regulations shall allow eligible indi-
 23 viduals to immediately apply affirmatively for the relief
 24 available under section 3 without being placed in removal
 25 proceedings.

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

8 (c) FINAL REGULATIONS.—Not later than 180 days
9 after the date on which interim regulations are published
10 under this section, the Secretary shall publish final regula-
11 tions implementing this Act.

12 (d) PAPERWORK REDUCTION ACT.—The require-
13 ments under chapter 35 of title 44, United States Code,
14 (commonly known as the “Paperwork Reduction Act”)
15 shall not apply to any action to implement this Act.

16 **SEC. 8. CONFIDENTIALITY OF INFORMATION.**

17 (a) IN GENERAL.—The Secretary may not disclose
18 or use information provided in applications filed under this
19 Act or in requests for DACA for the purpose of immigra-
20 tion enforcement.

21 (b) REFERRALS PROHIBITED.—The Secretary may
22 not refer any individual who has been granted permanent
23 resident status on a conditional basis or who was granted
24 DACA to U.S. Immigration and Customs Enforcement,

1 U.S. Customs and Border Protection, or any designee of
2 either such entity.

3 (c) LIMITED EXCEPTION.—Notwithstanding sub-
4 sections (a) and (b), information provided in an applica-
5 tion for permanent resident status on a conditional basis
6 or a request for DACA may be shared with Federal secu-
7 rity and law enforcement agencies—

8 (1) for assistance in the consideration of an ap-
9 plication for permanent resident status on a condi-
10 tional basis;

11 (2) to identify or prevent fraudulent claims;

12 (3) for national security purposes; or

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

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

18 **SEC. 9. RESTORATION OF STATE OPTION TO DETERMINE**
19 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
20 **CATION BENEFITS.**

21 (a) IN GENERAL.—Section 505 of the Illegal Immi-
22 gration Reform and Immigrant Responsibility Act of 1996
23 (8 U.S.C. 1623) is repealed.

24 (b) EFFECTIVE DATE.—The repeal under subsection
25 (a) shall take effect as if included in the original enact-

1 ment of the Illegal Immigration Reform and Immigrant
2 Responsibility Act of 1996 (division C of Public Law 104–
3 208; 110 Stat. 3009–546).

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