

115TH CONGRESS
2D SESSION

H. R. 4873

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

JANUARY 20, 2018

Mr. ISSA introduced the following bill; which was referred to the Committee on the Judiciary

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 “DACA Compromise
5 Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) IN GENERAL.—Any term used in this Act
2 that is used in the immigration laws (as defined in
3 section 101(a)(17) of the Immigration and Nation-
4 ality Act (8 U.S.C. 1101(a)(17))) shall have the
5 meaning given such term in the immigration laws.

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

10 (3) DISABILITY.—The term “disability” has the
11 meaning given such term in section 3(1) of the
12 Americans with Disabilities Act of 1990 (42 U.S.C.
13 12102(1)).

14 (4) POVERTY LINE.—The term “poverty line”
15 has the meaning given such term in section 673 of
16 the Community Services Block Grant Act (42 U.S.C.
17 9902).

18 (5) SECRETARY.—The term “Secretary” means
19 the Secretary of Homeland Security.

20 **SEC. 3. PERMANENT RESIDENT STATUS FOR CERTAIN**
21 **LONG-TERM RESIDENTS WHO ENTERED THE**
22 **UNITED STATES AS CHILDREN.**

23 (a) IN GENERAL.—The Secretary shall cancel the re-
24 moval of, and adjust to the status of an alien lawfully ad-
25 mitted for permanent residence, an alien—

1 (1) who has been continuously present in the
2 United States since June 15, 2012;

3 (2) who was granted DACA, unless the alien
4 has engaged in conduct since the alien was granted
5 DACA that would have rendered the alien ineligible
6 for DACA renewal under the Deferred Action for
7 Childhood Arrivals program, as in effect before Sep-
8 tember 5, 2017;

9 (3) who makes application for such adjustment
10 not earlier than the date that is 2 years after the
11 date on which the alien first was granted DACA;

12 (4) otherwise satisfies the requirements of this
13 section; and

14 (5) to whom is available an immigrant visa pur-
15 suant to section 4.

16 (b) PROCEDURES.—

17 (1) IN GENERAL.—The Secretary of Homeland
18 Security shall by rule establish a procedure allowing
19 eligible individuals to apply for the relief available
20 under this section without requiring placement in re-
21 moval proceedings and without requiring the imme-
22 diate availability of an immigrant visa pursuant to
23 section 4. Such procedure shall provide for the abil-
24 ity of a minor to apply for such relief, including
25 through a legal guardian or counsel.

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

9 (c) APPLICATION FEE.—

10 (1) IN GENERAL.—The Secretary may require
11 an alien applying for permanent resident status
12 under this section to pay a reasonable fee that is
13 commensurate with the cost of processing the appli-
14 cation.

15 (2) EXEMPTION.—An applicant may be exempt-
16 ed from paying the fee required under paragraph (1)
17 if the alien—

18 (A)(i) is younger than 18 years of age;

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

24 (iii) is in foster care or otherwise lacking
25 any parental or other familial support;

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

3 (C)(i) cannot care for himself or herself be-
4 cause of a serious, chronic disability; and

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

10 (D)(i) during the 12-month period imme-
11 diately preceding the date on which the alien
12 files an application under this section, accumu-
13 lated \$10,000 or more in debt as a result of un-
14 reimbursed medical expenses incurred by the
15 alien or an immediate family member of the
16 alien; and

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

22 (d) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
23 DATA.—The Secretary may not grant an alien permanent
24 resident status under this section unless the alien submits
25 biometric and biographic data, in accordance with proce-

1 dures established by the Secretary. The Secretary shall
2 provide an alternative procedure for aliens who are unable
3 to provide such biometric or biographic data because of
4 a physical impairment.

5 (e) BACKGROUND CHECKS.—

6 (1) REQUIREMENT FOR BACKGROUND
7 CHECKS.—The Secretary shall utilize biometric, bio-
8 graphic, and other data that the Secretary deter-
9 mines appropriate—

10 (A) to conduct security and law enforce-
11 ment background checks of an alien seeking
12 permanent resident status under this section;
13 and

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

17 (2) COMPLETION OF BACKGROUND CHECKS.—

18 The security and law enforcement background
19 checks of an alien required under subparagraph (A)
20 shall be completed, to the satisfaction of the Sec-
21 retary, before the date on which the Secretary
22 grants such alien permanent resident status under
23 this section.

24 (f) MEDICAL EXAMINATION.—

1 (1) REQUIREMENT.—An alien applying for per-
2 manent resident status under this section shall un-
3 dergo a medical examination.

4 (2) POLICIES AND PROCEDURES.—The Sec-
5 retary, with the concurrence of the Secretary of
6 Health and Human Services, shall prescribe policies
7 and procedures for the nature and timing of the ex-
8 amination required under paragraph (1).

9 (g) MILITARY SELECTIVE SERVICE.—An alien apply-
10 ing for permanent resident status under this section shall
11 establish that the alien has registered under the Military
12 Selective Service Act (50 U.S.C. 3801 et seq.), if the alien
13 is subject to registration under such Act.

14 (h) TREATMENT OF ALIENS PENDING GRANT OF
15 PERMANENT RESIDENCE.—

16 (1) LIMITATION ON REMOVAL.—The Secretary
17 or the Attorney General may not remove an alien
18 who—

19 (A) has pending an application for relief
20 under this section and appears prima facie eli-
21 gible for such relief;

22 (B) has an approved application for relief
23 under this section and is awaiting the avail-
24 ability of an immigrant visa pursuant to section
25 4; or

1 (C) is ineligible to apply for relief under
2 this section solely due to the date limitation in
3 subsection (a)(3).

4 (2) PROVISIONAL PROTECTED STATUS.—

5 (A) IN GENERAL.—In the case of an alien
6 described in paragraph (1) whose DACA grant
7 has ended, the Secretary shall grant provisional
8 protected presence to the alien and shall pro-
9 vide the alien with employment authorization
10 effective until the date on which—

11 (i) the alien's application for relief
12 under this section is finally denied; or

13 (ii) the Secretary cancels the removal
14 of the alien and adjusts the status of the
15 alien to that of an alien lawfully admitted
16 for permanent residence.

17 (B) STATUS DURING PERIOD OF PROVI-
18 SIONAL PROTECTED PRESENCE.—An alien
19 granted provisional protected presence is not
20 considered to be unlawfully present in the
21 United States during the period beginning on
22 the date such status is granted and ending on
23 a date described in subparagraph (A), except
24 that the Secretary may rescind an alien's provi-
25 sional protected presence and employment au-

1 thorization under this paragraph if the Sec-
2 retary determines that the alien—

3 (i) poses a threat to national security
4 or a threat to public safety;

5 (ii) has traveled outside of the United
6 States without authorization from the Sec-
7 retary; or

8 (iii) has ceased to be continuously
9 present in the United States since June
10 15, 2012.

11 (i) TREATMENT OF CERTAIN BREAKS IN PRES-
12 ENCE.—

13 (1) IN GENERAL.—An alien shall be considered
14 to have failed to maintain continuous presence in the
15 United States under subsections (a)(1) and
16 (h)(2)(B)(iii) if the alien has departed from the
17 United States for any period in excess of 90 days or
18 for any periods in the aggregate exceeding 180 days,
19 unless such departure was authorized by the Sec-
20 retary of Homeland Security.

21 (2) EXCEPTION.—An alien who departed from
22 the United States after the date of the enactment of
23 this Act shall not be considered to have failed to
24 maintain continuous presence in the United States if
25 the alien's absences from the United States are

1 brief, casual, and innocent, whether or not such ab-
2 sences were authorized by the Secretary.

3 (3) EXTENSIONS FOR EXCEPTIONAL CIR-
4 CUMSTANCES.—The Secretary of Homeland Security
5 may extend the time periods described in paragraph
6 (1) if the alien demonstrates that the failure to time-
7 ly return to the United States was due to excep-
8 tional circumstances. Exceptional circumstances suf-
9 ficient to justify an extension may include the seri-
10 ous illness of the alien, or death or serious illness of
11 a spouse, parent, grandparent, sibling, or child.

12 **SEC. 4. AVAILABILITY OF IMMIGRANT VISAS.**

13 (a) TEMPORARY REALLOCATION OF CERTAIN
14 VISAS.—Beginning in the first fiscal year in which an im-
15 migrant visa is needed under section 3(a)(5) for an alien
16 who is the beneficiary of an approved application for relief
17 under section 3, the visas described in subsection (b) that
18 are otherwise available for the aliens described in such
19 subsection shall be reallocated as necessary for purposes
20 of making visas available under section 3(a)(5).

21 (b) VISAS DESCRIBED.—For each fiscal year, the
22 visas described in this subsection are the following:

23 (1) Visas otherwise allotted to the brothers and
24 sisters of citizens of the United States under section

1 203(a)(4) of the Immigration and Nationality Act (8
2 U.S.C. 1153(a)(4)).

3 (2) Visas otherwise allotted to diversity immi-
4 grants under section 203(c) of such Act (8 U.S.C.
5 1153(c)), disregarding any visas necessary to offset
6 adjustments of status under section 309 of the Ille-
7 gal Immigration Reform and Immigrant Responsi-
8 bility (8 U.S.C. 1101 note), as required by section
9 203(d) of the Nicaraguan Adjustment and Central
10 American Relief Act (8 U.S.C. 1151 note).

11 (3) One half of the visas otherwise allotted to
12 married sons and married daughters of citizens of
13 the United States under section 203(a)(3) of the Im-
14 migration and Nationality Act (8 U.S.C.
15 1153(a)(3)).

16 (4) One half of the visas otherwise allotted to
17 skilled workers, professionals, and other workers
18 under section 203(b)(3) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1153(b)(3)), disregarding
20 any visas necessary to offset adjustments of status
21 under section 309 of the Illegal Immigration Reform
22 and Immigrant Responsibility (8 U.S.C. 1101 note),
23 as required by section 203(e) of the Nicaraguan Ad-
24 justment and Central American Relief Act (8 U.S.C.
25 1151 note).

1 (c) TERMINATION.—In no case shall the total number
2 of visas reallocated under subsection (a) exceed the total
3 number of aliens who have had an application approved
4 under section 3.

○