

## Section-by-Section Summary of the US Citizenship Act

### SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

*Sec. 1(a).*—*Short Title.* Names this Act the “US Citizenship Act”.

*Sec. 1(b).*—*Table of Contents.* Provides a table of contents for the entire Act.

### SEC. 2. DEFINITIONS.

*Sec. 2(a).*—Any term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

*Sec. 3(b).*—The term “immigration laws” has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

*Sec. 3(c).* — The term “Secretary” means the Secretary of Homeland Security.

### SEC. 3. TERMINOLOGY.

*Sec. 3(a).*—Strikes the term “alien” from the definition in the Immigration and Nationality Act (INA), section 101(a)(3), replacing it with the term “noncitizen.”

*Sec. 3(b).*—Replaces all references to “alien” in the INA with “noncitizen.”

*Sec. 3(c).*—Replaces all references to “alien” in the U.S. Code and uncodified provisions of the Statutes at Large, where such term references a person who is not a citizen or national of the U.S., with “noncitizen.”

*Sec. 3(d).*—Deems all references to “alien” in regulations and other written instruments issued by the executive branch to refer to a “noncitizen.”

## TITLE I—EARNED PATH TO CITIZENSHIP AND OTHER REFORMS

### Subtitle A—Earned Path to Citizenship

#### SEC. 1101. LAWFUL PROSPECTIVE IMMIGRANT (LPI) STATUS.

*Sec. 1101(a).*—*In General.* Creates a pathway to citizenship for eligible noncitizens, including the spouses and children of eligible principal noncitizens.

*New INA Sec. 245B.*—*Adjustment of Status of Eligible Entrants to that of Lawful Prospective Immigrant.*

*Sec. 245B(a).*—*Requirements for Lawful Prospective Immigrant Status.* Authorizes the Secretary of Homeland Security (“Secretary”) to grant LPI status to a noncitizen and his or her

spouse and children who meet eligibility criteria set out in new Immigration and Nationality Act (INA) section 245G(b), including criminal and national security background checks and payment of all applicable fees.

*Sec. 245B(b).—Duration of Status and Extension.* Provides for an initial grant of LPI status for 6 years unless revoked pursuant to new INA section 245G(c)(5). The status can be extended for additional 6-year terms if the noncitizen (A) remains eligible for LPI status; (B) passes criminal and national security background checks; and (C) has not had their status revoked by the Secretary.

*Sec. 245B(c).—Evidence of Lawful Prospective Immigrant Status.* Requires the Secretary to issue documentary evidence of LPI status. Such documents shall comply with the requirements of section 245G(c)(4) and specify a validity period of six years from the date of issuance.

*Sec. 245B(d).—Terms and Conditions of Lawful Prospective Immigrant Status.* Provides that noncitizens granted LPI status shall be considered lawfully present for all purposes, except that they are not entitled to qualified health plan tax credits or Affordable Care Act benefits other than enrollment in qualified health plans. They are eligible for employment authorization, and they may travel outside the U.S. and be re-admitted without having to obtain a visa if they possess valid travel documents, are not outside the United States more than 180 days in the aggregate in any calendar year unless absences were authorized by the Secretary or the failure to timely return was due to circumstances beyond their control, meet the requirements for extension of LPI status, and establish that they are not inadmissible on certain national security or foreign policy grounds. Requires the Social Security Administration to assign Social Security Numbers and distribute Social Security cards to LPIs.

*Sec. 1101(b).—Enlistment in the Armed Forces.* Allows LPIs to enlist in the U.S. Armed Forces.

## **SEC. 1102. ADJUSTMENT OF STATUS OF LPIs.**

*Sec. 1102(a).—In General.* Permits the Secretary to adjust the status of LPIs to that of lawful permanent resident (LPR).

*New INA Sec. 245C.—Adjustment of Status of LPIs.*

*Sec. 245C(a)-(e).*—Permits the Secretary to adjust the status of an LPI to that of an LPR if such individual:

- (a) remains eligible for LPI status, including passing criminal and national security background checks and paying all applicable fees;
- (b) files an application pursuant to procedures set forth in section 245G(c);
- (c) was granted and has remained in LPI status for at least 5 years;
- (d) has not been continuously absent from the U.S. for more than 180 days in any calendar year during the period of admission as an LPI, unless authorized by the Secretary or due to circumstances beyond the noncitizen's control; and
- (e) has paid all applicable Federal tax liability.

## **SEC. 1103. THE DREAM ACT.**

***Sec. 1103(a).***—*Adjustment of Status for Certain Noncitizens Who Entered the United States as Children.* Permits the Secretary to adjust the status of certain noncitizens brought to the U.S. as children to LPR status.

*New INA Sec. 245D.*—*Adjustment of Status for Certain Noncitizens who Entered the United States as Children.*

*Section 245D(a).*—*Definition.* Defines an “institution of higher education,” adopting the meaning given such term in section 102 of the Higher Education Act of 1965, excluding certain foreign institutions.

*Sec. 245D(b).*—*Requirements for Adjustment of Status Under This Section.* Permits the Secretary to adjust the status of a noncitizen to that of an LPR if such individual:

- (1) satisfies the eligibility criteria set forth in section 245G(b), including criminal and national security background checks and payment of applicable fees, and submits an application pursuant to procedures set forth in section 245G(c);
- (2) was younger than 18 on the date of initial entry;
- (3) has earned a high school diploma, commensurate alternative award from a public or private high school or secondary school, GED, or high school equivalency diploma;
- (4) (A) has obtained a degree from an institution of higher education or completed at least 2 years, in good standing, of a program in the United States leading to a bachelor’s degree or higher degree or a recognized postsecondary credential from an area career and technical education school providing education at the postsecondary level;  
(B) has served in the Uniformed Services for at least 2 years and, if discharged, received an honorable discharge; or  
(C) demonstrates earned income for periods totaling at least 3 years and at least 75 percent of the time that the noncitizen has had a valid employment authorization, except that in the case of a noncitizen enrolled in an institution of higher education or an area career and technical education school to obtain a recognized postsecondary credential, the Secretary shall reduce such total 3-year requirement by the total of such periods of enrollment; and
- (5) has registered for the Selective Service, if required.

*Sec. 245D(c).*—*Waiver.* Permits the Secretary to waive the requirements of education, military service, or work experience under section 245D(b), if the noncitizen can demonstrate compelling circumstances proving inability to satisfy such requirements.

*Sec. 245D(d).*—*Spouses and children.* Permits the Secretary to adjust to LPR status the spouses and children of noncitizens eligible for adjustment under section 245D(b), provided such spouses and children meet the eligibility criteria set forth in section 245G(b).

*Sec. 245D(e).*—*Special Procedure for Applicants with DACA.* Directs the Secretary to establish a streamlined procedure for DACA recipients who meet requirements for renewal of DACA

(under renewal terms effective January 1, 2017) to apply for adjustment to LPR status under this section.

*Sec. 245D(f).—Treatment of Individuals Granted DACA and Individuals Who Adjust Status Under This Section.* Rescinds the interim final rule of the Department of Health and Human Services, 77 Fed. Reg. 52614 (Aug. 30, 2012), which made DACA recipients ineligible for tax credits and subsidies under the Affordable Care Act. Defines “lawfully present” for purposes of determining whether an individual is lawfully residing in the U.S. under the Social Security Act with reference to 45 C.F.R. 152.2. Provides that principals (but not their spouses and children) who adjust to LPR status under this section are not subject to the 5-year bar on Medicaid and the Children’s Health Insurance Program.

*Sec. 1103(b).*—Allows DACA recipients to be employed by the House of Representatives or the Senate by modifying appropriations language that prevents non-U.S. citizens from working for and being paid by the federal government.

*Sec. 1103(c).*—*Restoration of State Option to Determine Residency for Purposes of Higher Education.* Repeals section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which limits states’ abilities to grant postsecondary education benefits to undocumented students and has been interpreted by some states to deny undocumented students in-state tuition. Repeal is retroactively effective as of the effective date of IIRIRA.

*Sec. 1103(d).*—*FHA.* Qualifies DACA recipients for USDA mortgages.

*Sec. 1103(e).*—*Rural Housing Service.* Qualifies DACA recipients for USDA mortgages.

*Sec. 1103(f).*—*Fannie Mae.* Qualifies DACA recipients for Fannie Mae mortgages.

*Sec. 1103(g).*—*Freddie Mac.* Qualifies DACA recipients for Freddie Mac mortgages.

## **SEC. 1104. THE AMERICAN PROMISE ACT**

*Sec. 1104(a).*—*Adjustment of Status for Certain Nationals of Certain Countries Designated for Temporary Protected Status or Deferred Enforced Departure.*

*New INA Sec. 245E.*—*Adjustment of Status for Certain Nationals of Certain Countries Designated for Temporary Protected Status or Deferred Enforced Departure.*

*Sec. 245E(a).*—*Requirements for Adjustment of Status Under This Section.* Permits the Secretary to adjust to LPR status noncitizens who, in addition to meeting the eligibility criteria set forth in new INA section 245G(b), have been continuously physically present in the U.S. since January 1, 2017 and had or were eligible for Temporary Protected Status (TPS) or Deferred Enforced Departure (DED) on January 1, 2017.

*Sec. 245E(b).—Spouses and children.* Provides that the spouse and children of a noncitizen eligible for adjustment under this section may also adjust to LPR status, provided they meet the eligibility criteria set forth in new INA section 245G(b). Spouses and children need not meet the other eligibility requirements that apply to the principals.

*Sec. 1104(b).—Clarification of Inspection and Admission Under Temporary Protected Status.* Clarifies that TPS recipients have been “inspected and admitted to the United States” under section 244(f)(4).

## **SEC. 1105. THE AGRICULTURAL WORKERS ADJUSTMENT ACT.**

### ***Sec. 1105.—In General.***

*New INA Sec. 245F.—Adjustment of Status for Agricultural Workers.*

*Sec. 245F(a).—Requirements for Adjustment of Status Under This Section.* Permits the Secretary to adjust to LPR status a noncitizen who meets the eligibility criteria set forth in new INA section 245G(b), including criminal and national security background checks and payment of applicable fees, submits an application pursuant to procedures set forth in section 245G(c) and has performed agricultural labor or services for at least 2,300 work hours (or 400 work days) in the five-year period immediately preceding the date on which such noncitizen file the application.

*Sec. 245F(b).*—Defines “agricultural labor or services” to include seasonal or temporary agricultural work.

*Sec. 245F(c).*—Provides that the spouse and children of a noncitizen eligible for adjustment under this section may also adjust to LPR status, provided they meet the eligibility criteria set forth in new INA section 245G(b). The work requirement under 245F(a)(2) shall not apply to such spouses and children.

## **SEC. 1106. GENERAL PROVISIONS RELATED TO ADJUSTMENT OF STATUS.**

### ***Sec. 1106(a).—In General***

*New INA Sec. 245G.—General Provisions Related to Adjustment of Status.*

*Sec. 245G(a).*—Provides that this section applies to all applications and petitions filed under sections 245B, 245C, 245D, 245E, and 245F. Defines “disability,” “federal poverty line,” “final decisions,” “final decisions and orders,” “lawful permanent resident,” “Secretary,” and “uniformed services.”

*Sec. 245G(b).*—*Common Eligibility Requirements for Applications Filed Under Sections 245B, 245C, 245D, 245E, 245F, or 245G.* Sets forth the substantive eligibility requirements that are common to all the programs described in the preceding sections. These requirements are in

addition to any eligibility requirements imposed by the preceding sections for those specific programs.

*Sec. 245G(b)(1).*—Requires the noncitizen to submit a completed application on a form prescribed by the Secretary.

*Sec. 245G(b)(2).*—*Processing Fees.* Requires the Secretary to set processing fees, for applicants 18 years of age or older, in amounts sufficient to recover costs. Authorizes the Secretary to cap the maximum fee payable by a family and, for good cause, exempt individual applicants or classes of applicants from fees. Fees collected shall be deposited in the Immigration Examination Fee Account (IEFA).

*Sec. 245G(b)(3).*—Requires applicants to be physically present in the United States on the date the application is filed.

*Sec. 245G(b)(4).*—*Continuous Physical Presence.* Requires applicants to have been continuously physically present in the United States from January 1, 2021 until the date the application is approved. For this purpose, travel outside the United States will not interrupt the continuity of a person’s physical presence if the travel was authorized by the Secretary or the absences are brief, casual, and innocent. Absences of more than 180 days in the aggregate in one calendar year shall not be considered brief unless the Secretary finds the length was due to circumstances beyond the noncitizen’s control, such as serious illness of the noncitizen or a family member or international travel restrictions. Provides that a Notice to Appear (NTA) does not interrupt the continuity of a noncitizen’s physical presence. Provides that, if an individual departed or was removed from the United States on or after January 20, 2017 but previously had been continuously physically present for at least 3 years, the Secretary shall have the discretion, for family unity or other humanitarian reasons or when it is in the public interest, to waive the physical presence requirements and, if the person has not reentered the United States unlawfully after January 1, 2021, the ineligibility described in subsection 5(C) below.

*Sec. 245G(b)(5).*—*Grounds for Ineligibility.* Sets forth grounds on which individuals are ineligible for relief under this subtitle:

*(b)(5)(A).*—*Inadmissibility Grounds.* Noncitizens who are inadmissible under paragraphs (2) (criminal), (3) (national security), (6)(E) (smuggling of noncitizens), (8) (avoiding military service), (10)(C) (international child abductions), or (10)(E) (renunciation of U.S. citizenship to avoid taxes) of INA section 212(a) are ineligible for relief.

*(b)(5)(B).*—*Noncitizens with Certain Existing Immigration Statuses.* Noncitizens who on January 1, 2021 had status as LPRs, asylees, refugees, nonimmigrants, and noncitizens who were paroled into the Commonwealth of the Northern Mariana Islands or Guam and did not reside there on November 28, 2009 are ineligible for relief under this subsection, except that the following groups are exempt from the nonimmigrant bar: spouses and children of individuals eligible for relief under this subtitle; individuals engaged in “essential critical labor or services” during the COVID-19 public health emergency; H-2As; and TPS recipients.

(b)(5)(C).—Noncitizens who departed from the United States while subject to an order of exclusion, deportation, removal, or voluntary departure are ineligible for relief under this subtitle if they were outside the U.S. on January 1, 2021 or reentered the U.S. unlawfully after January 1, 2021.

*Sec. 245G(b)(6).—Submission of Biometric and Biographic Data.* Requires noncitizens to submit biometric and biographic data. The Secretary shall provide alternative procedures for noncitizens unable to submit such data because of a physical impairment. Requires the Secretary to use such data to conduct criminal and national security background checks. Prevents adjustment of status of noncitizens unless and until such background checks are completed to the satisfaction of the Secretary.

*Sec. 245G(b)(7).—Eligibility for Other Statuses.* Clarifies that a noncitizen’s eligibility for adjustment under this title does not preclude them from seeking another immigration status for which they may be eligible. Provides that section 208(d)(6), rendering noncitizens who knowingly file frivolous asylum applications permanently ineligible for immigration benefits, shall not apply to relief under this subtitle.

*Sec. 245G(b)(8).—Exemption from Numerical Limitation.* Provides that nothing in this title may be construed to limit the number of noncitizens who may be granted LPR under this section or count against other numerical limits in the INA.

*Sec. 245G(c).—Procedures.*

*Sec. 245G(c)(1).—Rulemaking.* Directs the Secretary to prescribe interim final rules (IFRs) implementing new INA sections 245B, 245D, 245E, 245F, and 245G within one year of the date of enactment of this Act and to finalize such rules no later than 180 days after the date of publication. Directs the Secretary to issue a final rule implementing section 245C. Rules issued under this section shall prescribe the evidence required to demonstrate eligibility for the relevant statuses.

*Sec. 245G(c)(2).—Opportunity to Apply and Limitation on Removal.* Requires that noncitizens who appear prima facie eligible for relief under this subtitle be given a reasonable opportunity to apply for such relief. If such noncitizen applies for such relief within a reasonable time, they shall not be removed before (1) the Secretary issues an administratively final decision denying relief and a final order of removal is issued; and (2) the Secretary’s decision is upheld by a court or the time for initiating judicial review under section 242 has expired, unless the removal order is based on criminal or national security grounds, in which case such removal does not affect the noncitizen’s right to judicial review.

*Sec. 245G(c)(3).—Spouses and Children.* Directs the Secretary to establish a process through which families (principal applicants, spouse, and/or children) may file a single, combined application for relief. If the relationship between a noncitizen granted LPI or LPR status and his or her spouse or child is terminated by death, divorce, or annulment, or the spouse or child is subject to extreme cruelty by the noncitizen, such spouse or child may apply for LPI or LPR

status if otherwise eligible. If a spouse or parent's application for relief is denied or status revoked, the spouse or child shall remain eligible to apply for relief independently.

*Sec. 245G(c)(4).—Adjudication.*

*(c)(4)(A).—In General.* Requires the Secretary to review each application filed under this section.

*(c)(4)(B).—Adjustment of Status if Favorable Determination.* If a noncitizen meets the requirements for the requested status, the Secretary shall notify the noncitizen and adjust his or her status effective as of the date of such determination.

*(c)(4)(C).—Documentary Evidence of Status.* Requires the Secretary to provide documentary evidence of LPI or LPR status, if granted.

*(c)(4)(D).—Status Documentation Features.* Requires that documentary evidence of status be (i) machine-readable and tamper-resistant and contain a digitized photograph; (ii) serve as a valid travel and entry document during the noncitizen's authorized period of admission; (iii) be accepted during its period of validity as evidence of employment authorization and identity; and (iv) include other features and information as prescribed by the Secretary.

*(c)(4)(E).—Adverse Determination.* If a noncitizen does not meet the requirements for a particular status, the Secretary shall notify the noncitizen of such determination.

*(c)(4)(F).—Withdrawal of Application.* Upon receipt of a notice to withdraw an application, the Secretary shall cease processing and close the case without prejudice to the applicant.

*(c)(4)(G).—Document Requirements.* Prescribes the documents that a noncitizen may offer to prove identity, physical presence, and eligibility for an exemption from application fees. Authorizes the Secretary to restrict or prohibit any document or class of documents that the Secretary finds to be unreliable evidence of identity or submitted often and is being used to fraudulently obtain relief to an unacceptable degree. This determination is subject to publication and an opportunity for public comment.

*(c)(4)(H).—Sufficiency of Evidence.* Authorizes the Secretary to deny applications if an applicant fails to submit requested initial evidence, including biometric data, or any requested additional evidence, and to determine the credibility and weight of evidence. This section allows a noncitizen to file an amended application, or supplement an existing application, at no additional cost, provided the original application contained all required information and applicable fees.

*Sec. 245G(c)(5).—Revocation.* Authorizes the Secretary to revoke the status of any noncitizen who fraudulently obtained LPI or LPR status under this subtitle, after providing notice and an opportunity to respond, and after the exhaustion or waiver of applicable administrative review procedures set forth in section 245G(c)(6). To determine whether revocation is appropriate, the Secretary may request additional evidence or that the noncitizen appear for an interview. If



status is revoked, any documentation issued by the Secretary shall automatically be rendered invalid for any purpose except departure from the United States.

*Sec. 245G(c)(6).—Administrative Review.* Gives a noncitizen the right to administrative review of the denial, or revocation of approval, of any application or petition filed under this subtitle, to be conducted solely in accordance with this subsection by an appellate authority designated by the Secretary. Only one appeal of a given decision is permitted, and the notice of appeal must be filed within 90 days after service of the decision on the noncitizen unless delay is reasonably justifiable. The Secretary may certify appeals to himself or herself for review and final administrative decisions. Removal is stayed until a final decision upon administrative review is rendered establishing ineligibility for the particular status. Such administrative appellate review shall be de novo and based solely on the administrative record established at the time of determination on the application and any newly discovered or previously unavailable evidence. During the period in which a noncitizen may request administrative review under this subtitle, and during the period that such review is pending, the noncitizen shall not be considered “unlawfully present” for purposes of inadmissibility.

*Sec. 245G(c)(7).—Judicial Review.* Authorizes judicial review of decisions denying, or revoking approval of, applications for relief or petition filed under this section subject to section 242, as amended by section 1205 of this Act (summarized below).

*Sec. 245G(c)(8).—Effects While Applications Are Pending.* Provides that while an application or petition filed under this subtitle is pending: (A) the Secretary may grant advance parole; (B) the applicant is not considered unlawfully present for purposes of inadmissibility under INA section 212(a)(9)(B); and (C) the applicant is not considered an unauthorized noncitizen for employment purposes. Directs the Secretary to provide the applicant a document acknowledging the receipt of such application, which shall serve as interim proof of authorization to accept employment in the U.S. and shall be accepted by employers as evidence of employment authorization pending a final administrative decision. Shields employers from liability under INA section 274A(a)(2) for hiring, employing, or continuing to employ a noncitizen if an employer continues to employ such noncitizen pending final adjudication of an application for relief under this subtitle and has knowledge of such application.

*Sec. 245G(c)(9).—Information Privacy.*

*(c)(9)(A).—Prohibits any officer or employee of the U.S. from using information provided in an application under this subtitle to initiate removal proceedings, publishing such information, or permitting anyone other than an officer or employee of the particular government agency to which the application is submitted to examine such application.*

*(c)(9)(B).—Required Disclosure.* Provides a limited exception for the Attorney General or the Secretary if such information is requested by (i) a duly recognized law enforcement entity in connection with an investigation or prosecution of a criminal or national security offense described in INA section (212)(a)(2) or (3); or (ii) a coroner for purposes of identifying a deceased individual.

*(c)(9)(C).—Penalty.* Sets a \$50,000 penalty for anyone who knowingly uses, publishes, or permits information to be examined.

*(c)(9)(D).—Safeguards.* Directs the Secretary to provide administrative and physical safeguards to protect against such violations.

*(c)(9)(E).—Assessments.* Directs the Secretary to conduct annual assessments to determine the effectiveness of such safeguards.

*Sec. 245G(c)(10).—Language Assistance.* Directs the Secretary and the Attorney General to provide forms and instructions in the most common languages spoken in the U.S., as determined by the Secretary, and provide reasonable accommodations to individuals with disabilities.

## **Subtitle B—Other Reforms**

### **SEC. 1201. V NONIMMIGRANT VISAS.**

*Sec. 1201(a).—Nonimmigrant Eligibility.* Expands eligibility for V-visas, making them available to any noncitizens who are the beneficiaries of approved visa petitions under INA sections 203(a) (family-sponsored immigrants) or 245B (spouses and children of noncitizens granted lawful prospective immigrant status). Under current law, V visas are available only for family-sponsored 2A immigrants (the spouses and children of lawful permanent residents) and the children of any such spouses. This amendment also repeals the requirement that the beneficiary have been waiting in the queue at least three years. Additionally, this amendment repeals the current provision that limits V visas to those whose visa petitions were filed on or before December 21, 2000.

*Sec. 1201(b).—Employment and Period of Admission as Nonimmigrants Described in Section 101(A)(15)(V).*

*New INA Sec. 214(q)(1)(A).—Employment Authorization.* Directs the Secretary to provide employment authorization for V visa holders and provide an “employment authorized” endorsement or similar document.

*New INA Sec. 214(q)(1)(B).—Termination of Admission.* Terminates the period of authorized admission for V visas holders 30 days after the date on which such nonimmigrant’s visa application or application for adjustment of status (based on the approved visa petition) is denied..

*New INA Sec. 214(q)(1)(C).—Public Benefits.* Bars holders of V visas from eligibility for any means-tested public benefits and certain qualified health plan tax credits and Affordable Care Act benefits. Such individuals are also subject to rules applicable to individuals not lawfully present set forth in section 5000A(d)(3) of the Internal Revenue Code, respecting individuals’ and dependents’ obligations to maintain minimum essential health coverage.

**Sec. 1201(c).—Effective Date.** Sets the effective date as the first day of the first fiscal year that begins after the date of enactment.

## **SEC. 1202. EXPUNGEMENT AND SENTENCING.**

**Sec. 1202(a).** Modifies the INA definition of “conviction” (section 101(48)(A)). The revision clarifies that any adjudication or judgment of guilt that is dismissed, expunged, deferred, annulled, invalidated, withheld, or vacated, or where a court has issued a recommendation against removal or an order of probation without entry of judgment (or a similar disposition) shall not be considered a “conviction.” Modifies section 101(48)(B) to provide that, unless specified otherwise, any reference to a term of imprisonment or a sentence with respect to an offense is deemed not to include any portion of the sentence of which either the imposition or execution was suspended.

**Sec. 1202(b).—Judicial Recommendation Against Removal.** Provides that grounds of inadmissibility and deportability based on criminal convictions shall not apply if the sentencing court, at the time of sentencing or within 180 days thereafter, issues a recommendation to the Secretary that such noncitizen not be removed on the basis of such crimes, having given notice to representatives of the interested State, the Secretary, and prosecution authorities and an opportunity to make representations in the matter.

## **Sec. 1203. PETTY OFFENSES.**

Amends the ground of inadmissibility (INA section 212(a)(2)(A)) relating to convictions of, or admission of having committed, crimes involving moral turpitude (CIMT) by broadening the existing exception for noncitizens who commit one crime, while under the age of 18 and more than five years before application for a visa or admission to the U.S., so as to extend the exception to those who have been convicted of, or admit the commission of, two such crimes

## **SEC. 1204. RESTORING FAIRNESS TO ADJUDICATIONS.**

**Discretionary Waivers.** Creates a new section INA Sec. 212(c), authorizing the Secretary of Homeland Security or the Attorney General, for humanitarian purposes, to assure family unity, or when otherwise in the public interest, to waive the operation of any grounds of inadmissibility or deportability set forth in sections 212(a) or 237(a) of the Immigration and Nationality Act, including for purposes of eligibility for relief. Directs the Secretary or the Attorney General to consider all mitigating and aggravating factors, including the severity of the underlying violation, the individual’s duration of residence in the U.S., and the degree to which the individual’s removal or denial of application would adversely affect the noncitizen or the noncitizen’s U.S. citizen or LPR family members.

## **SEC. 1205. JUDICIAL REVIEW.**

**Sec. 1205(a).**— Clarifies that the ban on review of discretionary decisions refers only to the discretionary components of those decisions — not, for example, to review of questions of law

or fact relevant to the statutory prerequisites. Provides that the availability of judicial review of questions of law is not limited to petitions for review of removal orders.

**Sec. 1205(b).**— Provides that the proper venue for judicial review of decisions made under sections 1101 through 1106 of this Act is the district where the noncitizen resides or the circuit where a removal hearing, if any, was held.

**Sec. 1205(c).**— Provides that the exclusivity of the petition for review procedure in removal cases is subject to an exception, described in subsection (h) below, for cases involving decisions under sections 1101 through 1106 of this Act.

**Sec. 1205(d).**— Clarifies that, although courts continue to lack jurisdiction to enjoin the statutory removal provisions on their face, the courts have jurisdiction to enjoin the operation of those provisions in specific cases.

**Sec. 1205(e).**— Qualifies the prohibition on courts enjoining removal orders without clear and convincing evidence that a removal order is prohibited by law, by limiting the prohibition to cases where all available administrative and judicial review is complete.

**Sec. 1205(f).**— Adds a new subsection (h) to section 242 of the Immigration and Nationality Act. Under new subsection (h), the district courts have jurisdiction to review decisions made under sections 1101 through 1106 of this Act, except that, if there has also been a removal order, judicial review of both decisions can be in the court of appeals. This subsection also provides that, while judicial review is pending, the noncitizen does not accrue unlawful presence, any remaining period under a voluntary departure order is tolled, and the noncitizen may not be removed unless the court in its discretion directs otherwise. Review is based solely on the administrative record, but the court may remand the case to the Secretary if new evidence is presented. The scope of review is governed by the usual rules applicable in administrative law, as detailed in the Administrative Procedure Act. The district courts have jurisdiction over pattern-and-practice challenges, with limited exceptions to the requirements of exhaustion of administrative remedies, ripeness, and non-constitutional standing in cases where applying such requirements would be impracticable. Exhaustion of administrative remedies is also not required in challenges to the lawfulness of particular statutory or regulatory provisions. Class actions are permissible, consistently with all existing statutory requirements. The court's decision is res judicata.

## **SEC. 1206. MODIFICATIONS TO NATURALIZATION PROVISIONS.**

Reduces the residence requirement for naturalization from 5 years to 3 years for LPRs who, for at least three years before becoming an LPR, were both lawfully present and eligible for employment authorization. Amends INA section 316(a) by providing that the phrases “lawfully admitted for permanent residence,” “lawfully admitted to the United States for permanent residence,” and “lawful admission for permanent residence” shall refer to a noncitizen who (i) was granted LPR status; and (ii) did not obtain such status through fraudulent misrepresentation or fraudulent concealment of a material fact, provided that the Secretary shall have discretion to waive this latter requirement for good cause.

**SEC. 1207. RELIEF FOR LONG-TERM LEGAL RESIDENTS OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

*Sec. 1207(a).*—Names this section the “Northern Mariana Islands Legal Residents Relief Act.”

*Sec. 1207(b).*—Amends section (e)(6) of “A Joint Resolution to approve the ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America,’ and for other purposes,” to allow certain noncitizens to adjust to CNMI Resident Status, and later adjust to LPR status.

*New 48 U.S.C. 1806(e)(6).*—*Special Provision Regarding Long-Term Residents of the Commonwealth.*

*48 U.S.C. 1806(e)(6)(A).*—*CNMI Resident Status.* Allows a noncitizen to be admitted in CNMI Resident status to CNMI subject to the following:

*(e)(6)(A)(i).*—Such noncitizen shall be treated as a noncitizen lawfully admitted to CNMI only, permitting entry to and exit from CNMI until the earlier of the date on which such noncitizen (I) ceases to reside in CNMI or (II) has adjusted to LPR status.

*(e)(6)(A)(ii).*—Directs the Secretary of Homeland Security to establish a process for eligible noncitizens to apply for CNMI Resident Status during the 180-day period beginning 90 days after the date of enactment. Authorizes the Secretary, in his or her sole discretion, to authorize deferred action or parole with employment authorization until the completion of adjudication of such noncitizen’s application for CNMI Resident status. For noncitizens who have nonimmigrant status on the date on which such noncitizen applies for CNMI Resident Status, the Secretary of Homeland Security shall extend such prior nonimmigrant status and employment authorization through the 180-day application period, or the date of the noncitizen’s application for CNMI Resident status, whichever is later.

*(e)(6)(A)(iii).*— Clarifies that nothing in this subparagraph may be construed to provide any noncitizen granted CNMI Resident Status with public assistance to which such noncitizen is not otherwise entitled. Deems individuals granted CNMI Resident Status as “qualified noncitizens” under section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) for purposes of receiving major disaster or emergency relief.

*(e)(6)(A)(iv).*—Provides that a noncitizen granted CNMI Resident Status shall

(I) be subject to all grounds of deportability;

(II) be subject to all grounds of inadmissibility;

(III) be inadmissible at any port of entry (POE) outside CNMI, unless the Secretary of Homeland Security, in his or her discretion, authorizes admission of such noncitizen at a port of entry in Guam for purposes of direct transit to CNMI. Such admission shall be considered an admission to CNMI;

(IV) automatically lose CNMI Resident status if such noncitizen travels from CNMI to any other place in the U.S., unless the Secretary, in his or her discretion, establishes procedures for advance parole on a case-by-case basis of such travel for a temporary legitimate purpose. The Secretary also has the discretion to authorize direct transit of noncitizens with CNMI Resident status through Guam to a foreign place.

(V) be authorized to work in CNMI incident to CNMI Resident status; and

(VI) shall be issued appropriate travel documentation and evidence of employment authorization.

*48 U.S.C. 1806(e)(6)(B).—Noncitizens Described.* Defines noncitizens eligible for CNMI Resident Status to include those who:

- (i) were lawfully present in CNMI on June 25, 2019 or December 31, 2018, under the laws of the United States, including pursuant to a grant of parole under INA section 212(d)(5) or deferred action;
- (ii) admissible as an immigrant to the U.S., subject to INA section 212(c), as added by section 1201 of this Act, except that no immigrant visa is required;
- (iii) resided continuously and lawfully in CNMI from November 28, 2009 through June 25, 2019, unless such noncitizen is the spouse or child of a noncitizen eligible for CNMI Resident Status;
- (iv) is not a citizen of the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau; and
- (v)
  - (I) was born in CNMI between January 1, 1974 and January 9, 1978;
  - (II) was, on November 27, 2009, a permanent resident of CNMI;
  - (III) is the spouse or child of a noncitizen eligible for CNMI Resident Status;
  - (IV) was, on November 27, 2009, a spouse or child of a noncitizen eligible for CNMI Resident Status;
  - (V) was granted parole on December 31, 2018, under the former parole program for certain in-home caregivers administered by USCIS;
  - (VI) was admitted to CNMI as a Commonwealth Only Transitional Worker during fiscal year 2015 and during every subsequent fiscal year before the date of enactment of the Northern Mariana Islands U.S. Workforce Act of 2018 (July 24, 2018); or
  - (VII) resided in the Northern Mariana Islands as an investor under CNMI immigration law and is currently a resident classified as a CNMI-only nonimmigrant E-2 treaty investor.

*48 U.S.C. 1806(e)(6)(C).—Authority of Attorney General.* Beginning on the first day of the 180-day application period, authorizes the Attorney General to accept and adjudicate applications for CNMI Resident status by a noncitizen who is in removal proceedings, if such noncitizen (1) makes an initial application to the Attorney General within the 180-day period; or (ii) applied to the Secretary of Homeland Security during such 180 day period and before being placed in removal proceedings, and the Secretary denied their application.

*48 U.S.C. 1806(e)(6)(D).—Judicial Review.* Strips federal courts of jurisdiction to review decisions regarding determinations of the Secretary of Homeland Security or Attorney General on CNMI Resident status applications, or any other action or determination to implement, administer, or enforce this paragraph.

*48 U.S.C. 1806(e)(6)(E).—Procedure.* Provides that the Administrative Procedure Act and other laws regarding rulemaking, information collection, or publication in the Federal Register shall not apply to this paragraph.

*48 U.S.C. 1806(e)(6)(F).—Adjustment of Status for CNMI Residents.* Allows noncitizens granted CNMI Resident status to adjust to LPR status 5 years after the date of enactment or 5 years after the date on which CNMI Resident status is granted, whichever is later.

*48 U.S.C. 1806(e)(6)(G).—Waiver of Application Deadline.* Gives the Secretary unreviewable discretion to accept applications for CNMI Resident status submitted after the application deadline if (i) the applicant is eligible for such status; (ii) the applicant timely filed an application for such status and made a good faith effort to comply with application requirements; and (iii) the application is received not later than 90 days after the expiration of the application deadline or the date on which notice of rejection of the application is submitted, whichever is later.

***Sec. 1207(c).***—Amends subparagraph (b)(1)(A) of “A Joint Resolution to approve the ‘Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America,’ and for other purposes,” to allow certain nonimmigrant workers to seek admission to Guam or CNMI during the transition program.

*New 48 U.S.C. 1806(b)(1)(A).—Nonimmigrant Workers Generally.* Allows a noncitizen to seek admission to Guam or CNMI during the transition program as a temporary nonimmigrant worker under section 101(a)(15)(H) without counting against the numerical limitations set forth in INA section 214(g).

*48 U.S.C. 1806(b)(1)(B).—H-2B Workers.* Allows H-2Bs to be admitted to Guam or CNMI before December 31, 2023 for up to 3 years for (i) work related to military realignment in Guam or CNMI, including service or labor entered into by a prime contractor or subcontractor calling for services or labor for contracts relating to construction, repairs, renovations, or facility services; or (ii) to perform service or labor as a health care worker serving members of the Armed Forces, dependents, and civilians in Guam or CNMI, except that this clause shall not be construed to include graduates of medical schools coming to Guam or CNMI to perform service or labor as members of the medical profession.

## **SEC. 1208. GOVERNMENT CONTRACTING AND ACQUISITION OF REAL PROPERTY INTEREST.**

***Sec. 1208(a).***—*Exemption from Government Contracting and Hiring Rules.*

*Sec. 1208(a)(1).*—*In General.* Exempts agencies from challenges by protest to the General Accountability Office or the Court of Federal Claims for use of procurement competition exemptions for purposes of implementing this title. Requires an agency to immediately advise Congress of the exercise of authority under this paragraph.

*Sec. 1208(a)(2).*—*Government Contracting Exemption.* Allows agencies to waive or modify competition requirements for any procurement conducted to implement this title, if the senior procurement executive for the agency (A) determines the waiver is necessary and (B) submits an explanation to designated congressional committees.

*Sec. 1208(a)(3).—Hiring Rules Exemption.* Authorizes the Secretary to make term, temporary limited, and part-time appointments of employees to implement this title.

*Sec. 1208(b).—Authority to Acquire Leaseholds.* Authorizes the Secretary to acquire leaseholds in real property if the Secretary determines this is necessary for implementation.

## **SEC. 1209. CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT.**

Exempts LPIs and noncitizens who adjust to LPR status under sections 245C, 245D, 245E, or 245F from certain penalties under the SSA. Sets the effective date of such amendments as the first day of the 10th month after the date of enactment.

## **TITLE II - ADDRESSING THE ROOT CAUSES OF MIGRATION AND RESPONSIBLY MANAGING THE BORDER**

### **Subtitle A-Promoting Rule of Law, Security and Economic Development in Central America**

## **SEC. 2101. UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.**

*Sec. 2101(a).—In General.* Directs the Secretary to implement a 4-year strategy (“United States Strategy for Engagement in Central America” or “the Strategy”) to advance reforms in Central American Countries and address key factors driving the flight of families, unaccompanied children, and other individuals.

*Sec. 2101(b).—Elements.* Requires that the Strategy include efforts to (1) strengthen democratic governance, accountability, transparency, and the rule of law; (2) combat corruption and impunity; (3) improve access to justice, including in court systems, prosecutors’ offices, and civilian police forces; (4) confront and counter gang violence, crime, and recruitment; (5) disrupt money laundering and illicit financial operations of organized crime, trafficking organizations, and human smuggling networks; (6) promote respect for human rights, labor, fundamental freedoms, and media; (7) enhance accountability for government officials, including police and security personnel credibly alleged to have committed serious human rights violations; (8) enhance the capability of Central American governments to protect and provide for vulnerable populations; (9) address the underlying causes of poverty and inequality, and the constraints to inclusive economic growth in Central America; and (10) prevent/respond to endemic levels of sexual, gender-based, and domestic violence.

*Sec. 2101(c).—Coordination and Consultation.* Directs the Secretary of State to implement the Strategy in coordination with the Secretary of the Treasury, the Secretary of Defense, the Secretary of Homeland Security, the Attorney General, the Administrator of USAID, and the Chief Executive Officer of the US Development Finance Corporation, and in consultation with



the Director of National Intelligence, national and local civil society organizations in Central America and the United States, and the governments of Central America.

***Sec. 2101(d).—Support for Central American Efforts.*** Requires the Strategy to support or complement efforts carried out by the governments of El Salvador, Guatemala, and Honduras under the Plan of the Alliance for Prosperity in the Northern Triangle, in coordination with bilateral and multilateral donors and partners, including the Inter-American Development Bank.

## **SEC. 2102. SECURING SUPPORT OF INTERNATIONAL DONORS AND PARTNERS.**

***Sec. 2102(a).—Strategy.*** Directs the Secretary of State to implement a 4-year strategy to secure financial support for the Strategy described in section 2101 from international donors, regional partners, foreign governments, and multilateral institutions.

***Sec. 2102(b).—Diplomatic Engagement and Coordination.*** Directs the Secretary of State, in coordination with the Secretary of the Treasury, to carry out diplomatic engagement to secure financial and technical assistance from international donors and partners and ensure effective cooperation.

**SEC. 2103. COMBATING CORRUPTION, STRENGTHENING THE RULE OF LAW, AND CONSOLIDATING DEMOCRATIC GOVERNANCE.** Authorizes the Secretary of State and the Administrator of USAID to support initiatives combating corruption, consolidating democratic governance, strengthening the rule of law, and defending human rights in Central American countries. Specifies activities to support such initiatives.

**SEC. 2104. COMBATING CRIMINAL VIOLENCE AND IMPROVING CITIZEN SECURITY.** Authorizes the Secretary of State and the Administrator of USAID to support initiatives countering the violence and crime perpetrated by armed criminal gangs, illicit trafficking organizations, and human smuggling networks in Central American countries. Specifies activities to support such initiatives.

**SEC. 2105. COMBATING SEXUAL, GENDER-BASED, AND DOMESTIC VIOLENCE.** Authorizes the Secretary of State and the Administrator of USAID to support initiatives countering sexual, gender-based, and domestic violence in Central American countries. Specifies activities to support such initiatives.

**SEC. 2106. TACKLING EXTREME POVERTY AND ADVANCING ECONOMIC DEVELOPMENT.** Authorizes the Secretary of State and the Administrator of USAID to support initiatives tackling extreme poverty and the underlying causes of poverty in Central

American countries. Identifies specific activities designed to strengthen human capital, promote economic competitiveness, strengthen food security, and improve fiscal and financial affairs.

**SEC. 2107. AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES STRATEGY FOR ENGAGEMENT IN CENTRAL AMERICA.**—Authorizes \$1,000,000,000 in each of fiscal years 2022 to 2025, inclusive, to implement the Strategy described in section 2201.025.

Authorizes the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, to obligate up to 50 percent of the amounts appropriated under section 2107 without other conditions.

*Sec. 2107(a). Effective Implementation.*—Provides that 50 percent of the amounts appropriated under section 2107 shall not be available for assistance for the Governments of El Salvador, of Guatemala, and of Honduras until the Secretary consults with, and subsequently certifies and reports to, the appropriate congressional committees that such governments are taking effective steps in their respective countries, in addition to steps taken during the previous calendar year, to address specific endemic problems.

*Sec. 2107(b). Definition.*—Identifies the various congressional committees with which the Secretary must consult when exercising the authority conferred by subsection (a).

**SEC. 2108. EXPANDING FINANCIAL SANCTIONS ON NARCOTICS TRAFFICKING AND MONEY LAUNDERING.**

*Sec. 2108(a). Financial Sanctions Expansion.*— Directs the Secretary of the Treasury, the Attorney General, the Secretary of State, the Secretary of Defense, and the Director of Central Intelligence to expand their activities under the Foreign Narcotics Kingpin Designation Act with respect to significant foreign narcotics traffickers, their organizations and networks, and foreign persons who support them.

*Sec. 2108(b). Authorization of Appropriations.*—Authorizes appropriations of such sums as may be necessary to carry out subsection (a).

**Subtitle B—Addressing Migration Needs by Strengthening Regional Humanitarian Responses for Refugees and Asylum Seekers in the Western Hemisphere and Strengthening Repatriation Initiatives**

**SEC. 2201. EXPANDING REFUGEE AND ASYLUM PROCESSING IN THE WESTERN HEMISPHERE.**

***Sec. 2201(a).—Refugee Processing.*** Directs the Secretary of State, in coordination with the Secretary of Homeland Security, to work with international partners, including UNHCR, to support and strengthen domestic refugee processing and resettlement capacity for countries in the Western Hemisphere. Such support could entail (1) technical assistance to expand and improve the capacity to identify, process, and adjudicate refugee claims, including by increasing the numbers of refugee and asylum officers; (2) establishing and expanding secure locations to facilitate movement of individuals and families seeking protection; (3) improving national refugee and asylum registration systems to ensure that any person seeking refugee status, asylum, or other humanitarian protection receives due process, adequate information about his or her rights, a security screening, and appropriate documents to prevent fraud and ensure freedom of movement and access to basic services; and (4) developing capacity to conduct best interest determinations for unaccompanied children to ensure such children are properly registered and that their claims are appropriately considered.

***Sec. 2201(b).—Diplomatic Engagement and Coordination.*** Directs the Secretary of State and the Secretary of Homeland Security to carry out diplomatic engagements to secure commitments from governments to resettle refugees from Central America and take necessary steps to ensure effective cooperation among governments resettling refugees from Central America.

**SEC. 2202. FURTHER STRENGTHENING REGIONAL HUMANITARIAN RESPONSES IN THE WESTERN HEMISPHERE.** Directs the Secretary of State, in coordination with international partners, including UNHCR, to support and coordinate with governments of each country hosting a significant population of refugees and asylum seekers from El Salvador, Guatemala, and Honduras to (a) establish and expand temporary shelter and shelter network capacity; (b) deliver gender, trauma, and age-sensitive humanitarian assistance, including access to accurate information, legal representation, education, livelihood opportunities, cash assistance, and health care; (c) establish and expand sexual and gender-based and domestic violence prevention and recovery; (d) fund national and community-led humanitarian organizations in humanitarian response; and (e) support local integration initiatives.

**SEC. 2203. INFORMATION CAMPAIGN ON DANGERS OF IRREGULAR MIGRATION.**

***Sec. 2203(a).—In General.*** Directs the Secretary of State in coordination with the Secretary of Homeland Security to design and implement public information campaigns in El Salvador, Guatemala, and Honduras and any other Central American country to disseminate information about (1) the potential dangers of traveling to the U.S., (2) U.S. immigration law and policy; and (3) availability of asylum and other humanitarian protections in other countries in the Western Hemisphere, and other legal means for migration.

**Sec. 2203(b).—Elements.** Requires that campaigns described in subsection (a) be targeted at regions with high levels of out-bound migration or significant populations of internally displaced persons, be in local languages, employ a variety of communication media, and be developed in coordination with program officials at DHS, the Department of State, or other government, nonprofit, or academic entities.

## **SEC. 2204. IDENTIFICATION, SCREENING, AND PROCESSING OF REFUGEES AND OTHER INDIVIDUALS ELIGIBLE FOR LAWFUL ADMISSION TO THE UNITED STATES.**

### **Sec. 2204(a).—Designated Processing Centers.**

**Sec. 2204(a)(1).—In General.** Directs the Secretary of State and the Secretary of Homeland Security to establish Designated Processing Centers (“Centers”) to register, screen and process refugees and other eligible individuals, and to resettle or relocate such individuals to the U.S. or other countries.

**Sec. 2204(a)(2).—Locations.** Requires one or more such Centers to be established in a safe or secure location identified by the U.S. and host government in El Salvador, Guatemala, Honduras, and any other country deemed appropriate by the Secretary of State to accept and process requests and applications under this title.

**Sec. 2204(b).—Personnel.** Requires the Secretary of Homeland Security to ensure that sufficient numbers of refugee officers and personnel are assigned to each Center, and to hire and assign such personnel promptly to ensure that all criminal and national security background checks are complete within 180 days or less.

**Sec. 2204(c).—Operations.** Directs Centers to commence operations as expeditiously as possible. Requires the Secretary of State and the Secretary of Homeland Security to monitor activities of each Center and set metrics to evaluate productivity and quality control.

## **SEC. 2205. REGISTRATION AND INTAKE.**

**Sec. 2205(a).—Registration.** Requires each Center to receive and register individuals who are seeking to apply for benefits under this title and who meet criteria specified by the Secretary of State in coordination with the Secretary of Homeland Security.

**Sec. 2205(b).—Intake.** Provides that such individuals shall be assessed to determine benefits for which they may be eligible, including (1) refugee resettlement under the Central American Refugee Program described in section 2206; (2) the Central American Minors Program described

in section 2207; and (3) the Central American Family Reunification Parole Program described in section 2208.

***Sec. 2205(c).—Expedited Processing.*** Authorizes expedited processing of applications and requests under this title in emergency circumstances, for humanitarian reasons, or if circumstances warrant expedited treatment in the exercise of discretion.

## **SEC. 2206. CENTRAL AMERICAN REFUGEE PROGRAM.**

***Sec. 2206(a).—Processing at Designated Processing Centers.***

*Sec. 2206(a)(1).—In General.* Allows individuals to apply for refugee resettlement under this section if they register at a Designated Processing Center, express a fear of persecution or intent to apply for refugee status, and are nationals of El Salvador, Honduras, Guatemala, or any other Central American country designated by the Secretary of State.

*Sec. 2206(a)(2).—Submission of Biographic and Biometric Data.* Requires applicants to submit biographic and biometric data in accordance with procedures established by the Secretary of State, in coordination with the Secretary of Homeland Security. An alternative procedure shall be provided for applicants unable to provide required biographic and biometric data because of a physical or mental impairment.

*Sec. 2206(a)(3).—Background Checks.* Directs the Secretary of State to utilize the above data and other appropriate data to conduct security and law enforcement background checks of applicants, to determine whether there is any criminal, national security, or other ground that would render the applicant ineligible for admission as a refugee.

*Sec. 2206(a)(4).—Orientation.* Directs the Secretary of the State to provide prospective applicants for refugee resettlement with information on applicable requirements and legal standards. Such orientation materials, including application forms and instructions, shall be provided in English and Spanish.

*Sec. 2206(a)(5).—International Organizations.* Directs the Secretary of State, in consultation with the Secretary of Homeland Security to enter into agreements with international organizations, including UNHCR, to facilitate processing and preparation of case files for applicants under this section.

***Sec. 2206(b).—Optional Referral to Other Countries.***

*Sec. 2206(b)(1).—In General.* Allows applicants for resettlement under this section to be referred to another country for processing the applicant’s refugee claim if another country agrees to promptly process such claim in accordance with a bilateral agreement.

*Sec 2206(b)(2).—Bilateral Agreements for Referral of Refugees.*

*(b)(2)(A).—In General.* Authorizes the Secretary of State, in consultation with the Secretary of Homeland Security to enter into bilateral agreements for referral, processing, and resettlement of individuals who register with a Center and seek to apply for refugee resettlement under this section. Requires such agreements be limited to countries with demonstrated capacity to accept and adjudicate applications for protection and resettlement refugees consistent with the 1951 UN Convention Relating to the Status of Refugees and the 1967 UN Protocol Relating to the Status of Refugees.

*(b)(2)(B).—International Organizations.* Authorizes the Secretary of State, in consultation with the Secretary of Homeland Security, to enter into agreements with international organizations, including UNHCR, to facilitate referral, processing, and resettlement of individuals covered under this paragraph.

***Sec. 2206(c).—Emergency Relocation Coordination.*** Authorizes the Secretary of State, in coordination with the Secretary of Homeland Security, to enter into bilateral or multilateral agreements with other Western Hemisphere countries to establish safe and secure emergency transit centers for individuals who register at a Center, are deemed to face imminent risk of harm, and require temporary placement in a safe location pending a final decision. Such agreements may be developed in consultation with UNHCR and shall conform to international humanitarian standards.

***Sec. 2206(d).—Expansion of Refugee Corps.*** Directs the Secretary of Homeland Security to appoint additional refugee officers necessary to carry out this section, subject to appropriations.

## **SEC. 2207. CENTRAL AMERICAN MINORS PROGRAM.**

***Sec. 2207(a).—Eligibility.*** Authorizes the Secretary of Homeland Security to grant special immigrant status to eligible Central American children. Allows Designated Processing Centers to accept petitions for special immigrant status filed by noncitizens or on behalf of noncitizens by a parent or legal guardian if, after an assessment under section 2205(b)(2), such noncitizen appears to be eligible for such status. To be eligible, a noncitizen must be (1) a national of El Salvador, Honduras, Guatemala, or any other Central American country deemed appropriate by the Secretary of Homeland Security; (2) a child, as defined in INA section 101(b)(1), of an individual lawfully present in the U.S.; and (3) admissible to the U.S., excluding INA section 212(a)(4) (public charge).

**Sec. 2207(b).—Minor Children.** Provides that any child of a noncitizen described in subsection (a) is entitled to the same special immigrant status if accompanying or following to join such noncitizen.

**Sec. 2207(c).—Exclusion from Numerical Limitations.** Provides that noncitizens granted special immigrant status under this section shall not counted against any numerical limitations in the INA.

**Sec. 2207(d).—Applicants Under Prior CAM Program.** Directs the Secretary of Homeland Security to convert applications filed under the prior Central American Minors Refugee Program (CAM, established December 1, 2014; terminated August 16, 2017) and which were not the subject of a final disposition before January 31, 2018, into petitions filed under this section. Requires the Secretary, absent exceptional circumstances, to make final determinations on such petitions not later than 180 days after the date of enactment. Requires the Secretary to promptly notify all relevant parties of the conversion of a prior CAM application into a special immigrant petition and provide instructions for withdrawal of the petition.

**Sec. 2207(e).—Biometrics and Background Checks.**

**Sec. 2207(e)(1).—Submission of Biographic and Biometric Data.** Requires petitioners to submit biographic and biometric data in accordance with procedures established by the Secretary of Homeland Security. An alternative procedure shall be provided for petitioners unable to provide required biographic and biometric data because of a physical or mental impairment.

**Sec. 2207(e)(2).—Background Checks.** Directs the Secretary of Homeland Security to utilize the above data and other appropriate data to conduct security and law enforcement background checks of applicants to determine whether there is any criminal, national security, or other ground that would render the applicant ineligible for special immigrant status under this section.

**Sec. 2207(e)(3).—Completion of Background Checks.** Requires such background checks to be completed to the satisfaction of the Secretary of Homeland Security before a petition for special immigrant status under this section may be approved.

## **SEC. 2208. CENTRAL AMERICAN FAMILY REUNIFICATION PAROLE PROGRAM.**

**Sec. 2208(a).—In General.** Authorizes the Secretary of Homeland Security to grant parole to eligible Central American noncitizens. Allows Designated Processing Centers to accept applications for parole filed by noncitizens or on behalf of noncitizens by a parent or legal guardian, if after an assessment under section 2205(b)(3), such noncitizen appears to be eligible for parole. To be eligible for parole under this section, the noncitizen must be (1) a national of

El Salvador, Guatemala, Honduras, or any other Central American Country deemed appropriate by the Secretary; (2) the beneficiary of an approved family preference immigrant visa petition under INA section 203(a); and (3) an applicant for an immigrant visa that is not immediately available but is expected to be available within a period of time designated by the Secretary.

***Sec. 2208(b).—Biometrics and Background Checks.***

*Sec. 2208(b)(1).—Submission of Biographic and Biometric Data.* Requires applicants to submit biographic and biometric data in accordance with procedures established by the Secretary of Homeland Security. An alternative procedure shall be provided for petitioners unable to provide required biographic and biometric data because of a physical or mental impairment.

*Sec. 2208(b)(2).—Background Checks.* Directs the Secretary of Homeland Security to utilize the above data and other appropriate data to conduct security and law enforcement background checks of applicants to determine whether there is any criminal, national security, or other ground that would render the applicant ineligible for parole under this section.

*Sec. 2208(b)(3).—Completion of Background Checks.* Requires such background checks to be completed to the satisfaction of the Secretary of Homeland Security before an application for parole may be approved.

**SEC. 2209. INFORMATIONAL CAMPAIGN; CASE STATUS HOTLINE.** Directs the Secretary of Homeland Security to implement an English and Spanish-language informational campaign in the U.S., El Salvador, Guatemala, Honduras, and any other Central American country that the Secretary deems it appropriate to include, to raise awareness about the provisions of this title. Directs the Secretary to establish a case status hotline providing confidential processing information on pending cases.

**Subtitle C—Managing the Border and Protecting Border Communities**

**SEC. 2301. EXPEDITING LEGITIMATE TRADE AND TRAVEL AT PORTS OF ENTRY**

***Sec. 2301(a).—In General.*** Authorizes the Secretary of Homeland Security to develop and implement a plan to deploy technology to expedite screening of trade and travel, and enhance the ability to identify narcotics and other contraband at every land, air, and sea port of entry (POE). Such plan shall include specific steps to increase the rate of high-throughput scanning of commercial and passenger vehicles and freight rail traffic entering the United States at land ports of entry and rail-border crossings along the border using large-scale non-intrusive inspection systems or similar technology before primary inspections booths to enhance border security.



**Sec. 2301(b).—Elements.** Requires the plan developed by the Secretary to include information on

(b)(1).—modernizing land POEs, including pre-primary scanning and other non-intrusive inspections systems;

(b)(2).—air POEs;

(b)(3).—sea POEs; in addition to any projected impacts on

(b)(4).—commercial and passenger travel across land ports, as identified by the Commissioner of U.S. Customs and Border Protection;

(b)(5).—border security operations at POEs, as identified by the Commissioner of U.S. Customs and Border Protection;

(b)(6).—the ability of regular border crossers and border communities to efficiently cross borders and on privacy and civil liberties of border communities, as identified by medical professionals, border community stakeholders, and civil rights experts;

(b)(7).—performance benchmarks relating to border technology, and

(b)(8).—estimated costs and an acquisition plan for implementing steps identified in the plan, including achieving pre-primary high-throughput scanning and reducing passenger and pedestrian weight times. This should also include acquisition, operations, and maintenance costs for large-scale, non-intrusive inspection systems, other technologies identified in the plan, and associated costs for any necessary infrastructure enhancement or configuration changes at each POE. Such acquisition plan shall, to the extent practicable, promote opportunities that qualify as small business concerns (as defined under section 3(a) of the Small Business Act).

**Sec. 2301(c).—Modernize Ports of Entry Infrastructure.** Authorizes the Secretary to develop and implement a plan that lays out

(c)(1).—infrastructure improvement at POEs that enhance the ability to process asylum seekers, facilitate daily pedestrian and vehicular trade and traffic, and detect, interdict, disrupt and prevent fentanyl and other synthetic opioids and other narcotics and psychoactive substances and associated contraband from entering the United States;

(c)(2).—circumstances in which effective technology in use at certain POEs cannot be implemented at other POEs, including infrastructure restraints and mitigation measures that could be implemented; and

(c)(3).—other improvements to infrastructure and safety equipment needed to protect officers from potential hazards.

**Sec. 2301(d).—Authorization of Appropriations.** Authorizes appropriations of the sums necessary to implement plans developed under this section.

## **SEC. 2302. DEPLOYING SMART TECHNOLOGY AT THE SOUTHERN BORDER.**

**Sec. 2302(a).—In General.** Authorizes the Secretary to develop and implement a strategy to manage and secure the southern border by deploying smart technology to enhance situational awareness and counter transnational criminal networks.

**Sec. 2302(b).—Contents.** Requires such strategy to include:

- (b)(1).—a comprehensive assessment of physical barriers, levees, technologies, tools, and other devices currently in use along the southern border;
- (b)(2).—deployment of technology between POEs focusing on flexible solutions that expand ability to detect illicit activity, evaluate the effectiveness of border security operations, and be easily relocated and broken out by Border Patrol Sector;
- (b)(3).—specific steps that may be taken in each Sector over 5 years to identify technology systems and tools to provide situational awareness at border;
- (b)(4).—an explanation of why each technology, tool or device was recommended;
- (b)(5).—cost effectiveness calculations for each technology, tool, or device that will be deployed, including an analysis of the cost per mile of border surveillance;
- (b)(6).—a cost justification for each time a more expensive technology, tool, or device is recommended over a less expensive option in a given Sector; and
- (b)(7).—performance measure to evaluate the effectiveness of each technology deployed and of Border Patrol operations in each Sector.

**Sec. 2302(c).—Authorization of Appropriations.** Appropriates such sums as may be necessary to implement this section.

**SEC. 2303. INDEPENDENT OVERSIGHT ON PRIVACY RIGHTS.** Directs the Office of the Inspector General (OIG) of DHS to conduct oversight to ensure that (a) technology serves a legitimate agency purpose, is the least intrusive means of serving such purpose, and is cost effective; (b) guidelines are developed to limit data collection, processing, sharing, and retention; and (c) DHS has consulted with stakeholders, including affected border communities, in development of any plans to expand technology.

#### **SEC. 2304. TRAINING AND CONTINUING EDUCATION.**

**Sec. 2304(a).—Mandatory Training and Continuing Education to Promote Agent and Officer Safety and Professionalism.** Authorizes the Secretary of Homeland Security to set policies and guidelines to ensure that every CBP and ICE officer receives onboarding training regarding accountability, standards for professional and ethical conduct, and oversight.

**Sec. 2304(b).—Curriculum.** Specifying that such training may include (1) best practices in community policing and cultural awareness, including instructions on how to carry out enforcement actions near sensitive locations and how to refer complaints to the Ombudsman

for Border and Immigration Related Concerns; (2) interactions with vulnerable populations; and (3) standards of professional and ethical conduct.

***Sec. 2304(c).—Continuing Education.***

*Sec. 2304(c)(1).—In General.* Directs the Secretary to require all CBP and ICE agents and officers required to undergo training under subsection (a) to participate in continuing education.

*Sec. 2304(c)(2).—Constitutional Authority Subject Matter.* Requires continuing education under this subsection to include a course on protecting civil, constitutional, human and privacy rights of individuals, seizure, and use of force policies available to agents and officers.

*Sec. 2304(c)(3).—Administration.* Requires courses offered as part of continuing education under this subsection to be administered in coordination with Federal Law Enforcement Training Centers.

***Sec. 2304(d).—Medical training for border patrol agents.***

Amends section 411 of the Homeland Security Act of 2002 by providing emergency medical treatment (EMT) and paramedic training for selected Border Patrol agents, crediting the agents with work time for such training, assuring that such agents will not accrue any debt of obligated overtime hours for such training time, providing lodging and per diem when applicable, increasing the pay and requiring specified periods of service for agents who complete the training, requiring that specified percentages of Border Patrol agents be so certified, requiring the presence of such certified agents at each U.S. Border Patrol sector and remote stations along the southern border to the greatest extent possible, requiring sufficient medical supplies and motor vehicles to enable the certified agents to provide necessary emergency medical assistance, and requiring the Comptroller General to review the program and provide recommendations to Congress. Authorizes such appropriations as are necessary to carry out this program.

***Sec. 2304(e).—Identifying and treating individuals experiencing medical distress.***—Requires all Border Patrol agents (not just those with the above certifications) to complete an online training program that meets nationally recognized standards for the medical care of children. Requires that all remote Border Patrol stations have voice access to physicians with pediatric training.

***Sec. 2304(f).—Commercial driver program.***

Expedites detainee transport to border patrol processing facilities by allowing Border Patrol agents to train for commercial driver's licenses with passenger endorsements for detainee transport and assuring sufficient numbers of such agents, and requiring the Secretary of

Homeland Security to submit quarterly reports to Congress regarding the average length of stays of detainees at U.S. Border Patrol stations.

**SEC. 2305. GAO STUDY OF WAIVER OF ENVIRONMENTAL AND OTHER LAWS.**

Directs the Government Accountability Office to study the impact of the authority of the Secretary of Homeland Security to waive environmental and other state and federal laws to expedite construction of barriers and roads near U.S. borders, under section 102 of IIRIRA. Requires such study to analyze the impact of the waiver on the environment, Native American lands, and border communities.

**SEC. 2306. ESTABLISHMENT OF BORDER COMMUNITY STAKEHOLDER ADVISORY COMMITTEE.**

***Sec. 2306(a).—In General.***

*New Homeland Security Act Sec. 431.—Establishment of Border Community Stakeholder Advisory Committee.—*

*Sec. 431(a).—Establishment.* Establishes a border community stakeholders advisory committee (“Advisory Committee”) within DHS.

*Sec. 431(b).—Duties.* Requires the Secretary to consult with the Advisory Committee, as appropriate, on border security and immigration enforcement matters, including on the development, refinement, and implementation of policies, protocols, programs, and rulemaking pertaining to border security and immigration enforcement that may impact border communities. Directs the Advisory Committee to develop, at the Secretary’s request, recommendations on policies, protocols, programs, and rulemaking pertaining to border security and immigration enforcement that may impact border communities.

*Sec. 431(c).—Membership.*

*(c)(1).—Appointment.* Directs the Secretary to appoint members of the Advisory Committee. The membership of such Committee shall consist of a border community stakeholder from each of the nine U.S. Border Patrol sectors and three individuals with significant expertise and experience in immigration law, civil rights, and civil liberties.

*(c)(2).—Term of Office.* Members of the Advisory Committee shall serve for a renewable two-year term. The Secretary may remove a member for cause at any time.

*(c)(3).—Prohibition on Compensation.* Members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on such committee.

*(c)(4).—Meetings.* The Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary. At least one of these

meetings shall be open to the public. Directs the Advisory Committee to maintain a record of persons at each meeting.

*(c)(5).—Member Access to Sensitive Security Information.* Directs the Secretary to determine whether there is cause for any member to be restricted from possessing sensitive security information. Without such cause, and upon a member voluntarily signing a nondisclosure agreement, such member may be granted access to sensitive security information relevant to the member’s advisory duties. Such member shall protect the sensitive security information in accordance with part 1520 of title 49, CFR.

*(c)(6).—Chairperson.* Requires the Advisory Committee to be chaired by a stakeholder representative elected by the appointed membership of such committee.

*Sec. 431(d).—Nonapplicability of FACA.* Provides that the Federal Advisory Committee Act shall not apply to the Advisory Committee or its subcommittees.

*Sec 431(e).—Definitions.* Sets forth definitions of “advisory committee” and “border community stakeholder” for purposes of this section.

*Sec. 2306(b).—Appropriations.* Appropriates such sums as are necessary to implement this section.

*Sec. 2306(c).—Clerical Amendment.* Amends the table of contents of the Homeland Security Act to include new section 431.

**SEC. 2307. RESCUE BEACONS.** Requires the Commissioner of U.S. Customs and Border Protection to purchase, deploy, and maintain additional self-powering 9-1-1 cellular relay rescue beacons along the southern border at locations deemed appropriate by the Commissioner to mitigate migrant deaths beginning in fiscal year 2022.

## **SEC. 2308. USE OF FORCE.**

*Sec. 2308(a).—Department of Homeland Security Policies.* Directs the Secretary of Homeland Security, in coordination with the Assistant Attorney General for the Civil Rights Division of the Department of Justice, to issue policies governing the use of force by all DHS personnel. Directs the Secretary, in developing such policies, to consult with law enforcement and civil rights organizations to ensure such policies focus law enforcement efforts and tactics on protecting public safety and national security consistent with our values, and leveraging best practices and technology to do so.

*Sec. 2308(b).—Public Reporting.* Directs the Secretary to make public within 24 hours any use-of-force incident that results in serious injury to, or death of, an officer or agent or member of the public and comply fully with the Death in Custody Reporting Act of 2013.

**SEC. 2309. OFFICE OF PROFESSIONAL RESPONSIBILITY.** Directs the Commissioner of U.S. Customs and Border Protection to hire, train, and assign sufficient Office of Professional Responsibility special agents to ensure one such special agent for every 30 officers to investigate criminal and administrative matters and misconduct by officers and other CBP employees. Authorizes the Commissioner to enter into such contracts as necessary to implement this section.

**Subtitle D—Improving Border Infrastructure for Families and Children; Cracking Down on Criminal Organizations**

**SEC. 2401. HUMANITARIAN AND MEDICAL STANDARDS FOR INDIVIDUALS IN UNITED STATES CUSTOMS AND BORDER PROTECTION CUSTODY.**

*Sec. 2401(a).—In General.* Directs the Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and in consultation with nongovernmental experts in humanitarian response and health care, to develop guidelines and protocols for basic minimum standards of care for individuals in CBP custody.

*Sec. 2401(b).—Issues Addressed.* Requires such guidelines to ensure staffing, physical facilities, furnishings, and supplies are adequate to provide appropriate (1) medical care, (2) water, sanitation, and hygiene, (3) food and nutrition, (4) clothing and shelter, (5) quiet sleeping quarters, (6) information regarding legal rights and available services, and (7) freedom to practice one's religion.

**SEC. 2402. CHILD WELFARE AT THE BORDER.**

*Sec. 2402(a).—Guidelines.* Directs the Secretary of Homeland Security, in consultation with federal, state, and local officials, pediatricians, and child welfare experts, to develop guidelines for treatment of children in DHS custody.

*Sec. 2402(b).—Best Interest of the Child.* Provides that such guidelines should have a guiding principle of the best interest of the child. Requires such guidelines to include

(b)(1).—mandatory training for DHS personnel who have contact with children;

(b)(2).—availability of qualified child welfare and licensed medical professionals;

(b)(3).—a system to identify and report allegations of child abuse or neglect;

(b)(4).—a prohibition against the Secretary of Homeland Security removing a child from a parent or legal guardian for purposes of deterring migration or promoting compliance with U.S. immigration laws;

(b)(5).—reasonable arrangements for unannounced visits and inspections by the Office of the Inspector General for the Department of Homeland Security, NGOs, and state/local child welfare agencies; and

(b)(6).—preservation of all records associated with children in DHS custody.

**Sec. 2402(c).—Authorization of Appropriations.** Appropriates the sums necessary to implement this section.

**SEC. 2403. OFFICE OF INSPECTOR GENERAL OVERSIGHT.** Directs the Office of the Inspector General for the Department of Homeland Security, in coordination with the Department of Health and Human Services, to report on the status of efforts to implement sections 2401 and 2402 of this Act and announce findings made after inspections of DHS facilities. Such report shall be made not later than 6 months after the date of enactment of this Act and every 6 months thereafter.

**SEC. 2404. ENHANCED INVESTIGATION AND PROSECUTION OF HUMAN SMUGGLING NETWORKS AND TRAFFICKING ORGANIZATIONS.** Directs the Attorney General and the Secretary of Homeland Security to expand collaboration on the investigation and prosecution of human smuggling networks and trafficking organizations targeting migrants, asylum seekers, and unaccompanied children operating at the southwestern border, including the continuation and expansion of anti-trafficking coordination teams.

**SEC. 2405. ENHANCED PENALTIES FOR ORGANIZED SMUGGLING SCHEMES.**

**Sec. 2405(a).—In General.** Creates new criminal offenses for knowingly directing or participating in a scheme to smuggle (cause persons to enter or attempt to enter the U.S. at the same time at a place other than a POE) 10 or more persons other than family members of the offender while acting for profit or other financial gain, with a maximum sentence of 15 years and a fine, and for committing or attempting to commit sexual assault in the course of committing a harboring offense.

**Sec. 2405(b).—Bulk Cash Smuggling.** Establishes enhanced fines for bulk cash smuggling into or out of the U.S..

**SEC. 2406. EXPANDING FINANCIAL SANCTIONS ON NARCOTICS TRAFFICKING AND MONEY LAUNDERING.**

**Sec. 2406(a).—Financial Sanctions Expansion.** Directs the Secretary of the Treasury, the Attorney General, the Secretary of State, the Secretary of Defense, and the Director of the CIA to expand investigations, intelligence collection, and analysis under the Foreign Narcotics Kingpin Designation Act to increase identification and application of sanctions against significant foreign narcotic traffickers, their organizations, and networks, and foreign persons who provide material support to such individuals and entities.

**Sec. 2406(b).—Targets.** Requires the activities described in subsection (a) to specifically target foreign narcotics traffickers, their organizations and networks, and the foreign persons who

provide material, financial, or technological support to such traffickers, organizations, and networks that are present and operating in Central America.

**SEC. 2407. SUPPORT FOR TRANSNATIONAL ANTI-GANG TASK FORCES FOR COUNTERING CRIMINAL GANGS.** Directs the Director of the FBI, the Director of the Drug Enforcement Administration, and the Secretary of Homeland Security, in coordination with the Secretary of State to expand the use of Transnational Task Forces that seek to address transnational crime perpetrated by gangs in El Salvador, Guatemala, Honduras, and any other identified country. Specifies different means of addressing transnational crime perpetrated by such gangs.

**SEC. 2408. HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.**

***Sec. 2408(a).—Personnel and Structures.***

*New INA Sec. 274E.—Hindering Immigration Border, and Customs Control.*

*Sec. 274E(a)(1).—Illicit Spotting.* Creates new criminal offense for knowingly surveilling, tracking, monitoring, or transmitting movement or activities of any officer or employee of a federal, state, or tribal law enforcement agency with intent to gain financially and violate immigration, trade, or border control laws. Sets a penalty of fines and/or maximum sentence of 5 years.

*Sec. 274E(a)(2).—Destruction of United States Border Controls.* Creates new criminal offense for knowingly and without lawful authorization (A) destroying or significantly damaging any fence, barriers, sensor, camera, or other physical or electronic devices deployed by the government to control an international border or POE; or (B) constructing, excavating, or creating a structure intended to defeat, circumvent or evade such barriers or devices. Sets a penalty of fines and/or maximum sentence of 5 years.

***Sec. 2408(b).—Clerical Amendment.*** Amends the table of contents of the INA by adding new section 274E.

**Subtitle E—Definitions**

**SEC. 2501. DEFINITIONS.** Defines the following terms in this title: “best interest determination”, “internally displaced persons,” “international protection,” “large-scale non-intrusive inspection system,” “Plan of the Alliance for Prosperity in the Northern Triangle,” “pre-primary,” “scanning,” and “unaccompanied noncitizen child.”

**TITLE III—REFORM OF THE IMMIGRANT VISA SYSTEM**  
**Subtitle A—Promoting Family Reunification**



## **SEC. 3101. RECAPTURE OF IMMIGRANT VISAS LOST TO BUREAUCRATIC DELAY.**

**Sec. 3101(a).**—*Worldwide Level of Family-Sponsored Immigrants.* Adds the number of unused family-sponsored immigrant visas from fiscal years 1992 through 2020 to the annual ceiling for the admission of family-sponsored immigrants. Also repeals the provision that deducts from that ceiling the number of immediate relatives admitted in the preceding year.

**Sec. 3101(b).**—*Worldwide Level of Employed Based Immigrants.* Increases, from 140,000 to 170,000, the base number for the calculation of the annual ceiling for the admission of employment-based immigrants. Also adds to that ceiling the number of unused employment-based immigrant visas from fiscal years 1992 through 2020.

**Sec. 3101(c).**—*Effective Date.* Sets the effective date of this section as the start of fiscal year 2022.

## **SEC. 3102. RECLASSIFICATION OF SPOUSES AND MINOR CHILDREN OF LEGAL PERMANENT RESIDENTS AS IMMEDIATE RELATIVES.**

**Sec. 3102(a).**—*In General.* Reclassifies the spouse and children of a lawful permanent resident (LPR), and the children of such spouse if accompanying or following to join, as numerically unrestricted immediate relatives rather than (at present) numerically restricted family-sponsored 2As. Provides that a noncitizen admitted under section 211(a), which allows a child to enter on his or her parent's visa if the child was born after the issuance of the visa, becomes an immediate relative if the accompanying immediate relative parent was admitted as a family-sponsored immigrant. Provides that a noncitizen who was the child or parent of a U.S. citizen, or child of an LPR, on the date of such citizen's or LPR's death remains an immediate relative if such noncitizen child or parent files a petition under section 204(a)(1)(A)(ii) within 2 years after such date or before age 21. Provides that surviving spouses of citizens or LPRs in marriages of at least 2 years remain immediate relatives if they file the required petition before remarrying. Allows such spouses, if married for less than two years at the time of the sponsoring citizen's or LPR's death, to prove by a preponderance of the evidence that the marriage was entered into in good faith and not solely for purposes of obtaining an immigration benefit and that the spouses were not legally separated at the time of death. Provides that noncitizens who self-petition for LPR status as abused spouses or children remain immediate relatives if the citizen or LPR spouse or parent loses citizenship or LPR status because of the abuse. Provides that a noncitizen born to an LPR during a temporary visit abroad is an immediate relative.

**Sec. 3102(b).**—*Allocation of Immigrant Visas.* Changes the formula for allocating the family-sponsored immigrant visas among the four preference categories, by expressing the allocations as percentages of the total rather than as absolute numbers. Amends the second preference by limiting it to the married or over-age-21 sons and daughters of LPRs, in order to conform to the reclassification (in subsection (a)) of the spouses and children of LPRs as immediate relatives.

**Sec. 3102(c).**—*Technical and Conforming Amendments.* Makes conforming amendments to various INA provisions.

**SEC. 3103. ADJUSTMENT OF FAMILY-SPONSORED PER-COUNTRY LIMITS.**

Raises per-country caps for family-sponsored and employment-based immigrants from 7 percent of the worldwide total in the case of a single state, or 2 percent in the case of a dependent area, to 20 percent and 5 percent, respectively. Eliminates special rules applicable to spouses and children of LPRs, in order to conform to their reclassification as immediate relatives.

**SEC. 3104. PROMOTING FAMILY UNITY.**

*Sec. 3104(a).—Repeal of Three-and-Ten-Year and Permanent Bars.* Repeals the three-year bar on the admission of noncitizens who departed the United States after 180 days of unlawful presence and the ten-year bar on the admission of noncitizens who departed after one year of unlawful presence.

*Sec. 3104(b).—Misrepresentations.* Exempts from the inadmissibility and deportability grounds for noncitizens who have falsely claimed United States citizenship those who were under age 21 at the time of the misrepresentations.

**SEC. 3105. RELIEF FOR ORPHANS, WIDOWS, AND WIDOWERS.**

*Sec. 3105(a).—Processing of Immigrant Visas and Derivative Petitions.* Allows a noncitizen who, at the time of the death of their U.S. relative was (i) an immediate relative; (ii) a family-sponsored immigrant; (iii) a derivative beneficiary; or (iv) the spouse or child of a refugee, to have their immigrant visa application adjudicated as if such death had not occurred. Allows a surviving noncitizen whose application was denied or revoked before visa processing was completed to renew such application through a motion to reopen, without a fee, even if the applicant left the United States before the date of enactment of this Act.

*Sec. 3105(b).—Eligibility for Parole.* Makes the surviving spouse who left the United States eligible for parole and allows such noncitizen's application for adjustment of status to be considered, notwithstanding any inadmissibility based on a prior removal order.

*Sec. 3105(c).—Naturalization.* Modifies the provision that allows abused spouses of United States citizens to qualify for naturalization after three years of residence instead of five if they meet all other naturalization requirements, by extending the provision to cases in which the United States citizen has died.

*Sec. 3105(d).—Surviving Relative Consideration for Certain Petitions and Applications.* Allows affidavits of support to be adjudicated notwithstanding the death of the sponsor and strikes the requirement that a surviving spouse live in the U.S. at the time of the death of the qualifying relative and continue to live in the U.S.

**Sec. 3105(e).—Immediate Relatives.** Modifies definition of “immediate relatives” to allow a surviving spouse to file a petition any time after their citizen spouse’s death until the date the surviving spouse remarries (rather than within 2 years, as required under current law).

**Sec. 3105(f).—Family-Sponsored Immigrants.** Exempts surviving relatives from inadmissibility on public charge grounds.

## **SEC. 3106. EXEMPTION FROM IMMIGRANT VISA LIMIT FOR CERTAIN VETERANS WHO ARE NATIVES OF PHILIPPINES.**

**Sec. 3106(a).—Short Title.** Names this section the “Filipino Veterans Family Reunification Act”.

**Sec. 3106(b).—Noncitizens Not Subject to Direct Numerical Limitations.** Exempts from worldwide or numerical limits on immigrant visas the sons and daughters of U.S. citizens who were naturalized under special rules applicable to Philippine World War II veterans honorably discharged from the U.S. Armed Forces.

## **SEC. 3107. FIANCÉE OR FIANCÉ CHILD STATUS PROTECTION.**

**Sec. 3107(a).—Definition.** Determines the age of a minor child of a noncitizen obtaining a fiancé(e) visa as of the date on which the parent’s petition is filed.

**Sec. 3107(b).—Adjustment of Status Authorized.** Exempts fiancé(e)s and their qualifying children from the requirements of labor certification and immigrant visas.

**Sec. 3107(c).—Age Determination.** Protects the minor child of a noncitizen obtaining a fiancé(e) visa from aging out. For adjustment purposes, the age of such child shall be determined as of the date on which the petition is filed to classify the child’s parent as the fiancé(e) of a United States citizen.

**Sec. 3107(d).—Effective Date.** Makes this section effective retroactively to the date of the enactment of the Immigration Marriage Fraud Amendments of 1986. Applies the amendments made by this section to all pending petitions and applications and all those that were denied but would have been granted had these amendments then been in place. Motions to reopen or reconsider such denials must be granted if filed within 2 years of the date of enactment of this Act.

**SEC. 3108. RETENTION OF PRIORITY DATES.** Allows a noncitizen who ages out of eligibility for either the family-sponsored 2nd preference or accompanying or following to join child status to keep the original priority date issued upon receipt of the applicable petition. Provides that the beneficiary of any petition shall retain their earliest priority date based on any petition filed on their behalf, as long as it was approvable when filed.

**SEC. 3109. DEFINING PERMANENT PARTNER.**

Defines a “permanent partner” as an individual 18 years or older (i) in a committed, intimate relationship with another individual 18 years or older in which both parties intend a lifelong commitment; (ii) who is financially interdependent with such other individual (may be waived:); (iii) is not married or in a permanent partnership with another individual; (iv) is unable, in the jurisdiction of either partner’s domicile, to be married; and (v) is not a first, second, or third degree blood relation of that other individual. Provides that any references to “spouse,” “husband,” or “wife” in the INA shall be equally applicable to a permanent partner, and that any references to “marriage,” “marital union,” “married,” “unmarried,” “wedlock,” or similar terms shall be equally applicable to unions of permanent partners. Provides that the definitions and meanings set forth in section 3109 apply equally to the LIFE Act, the Cuban Adjustment Act, and the Violence Against Women Act of 2000.

**SEC. 3110. DEFINITION OF CHILD.**

*Sec. 3110(a).—Titles I and II.* Modifies the INA definition of “child” for titles I and II of the INA (general provisions and immigration) to include the biological child of a noncitizen permanent partners, if such child was under 18 at the time a permanent partnership was formed; or such child was adopted by a noncitizen permanent partner while under the age of 16, the child has been in the legal custody of, and has resided with, such adoptive parent for at least 2 years, and the child was under the age of 18 at the time the permanent partnership was formed.

*Sec. 3110(b).—Title III.* Modifies the definition of “child” for title III of the INA (Nationality and Naturalization) to include the definition set forth in subsection (a). Defines “parent,” “father,” and “mother” to include deceased permanent partners.

**SEC. 3111. TERMINATION OF CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN NONCITIZEN PERMANENT PARTNERS AND SONS AND DAUGHTERS UPON FINDING QUALIFYING PERMANENT PARTNERSHIP IMPROPER.**

Allows for the termination of conditional permanent resident status for certain noncitizen permanent partners and their sons and daughters upon a finding that such permanent partnership no longer satisfies the statutory criteria.

**SEC. 3112. NATIONALITY AT BIRTH.** Clarifies that parentage, for purposes of transmission of United States citizenship from parent to child, is determined by legal recognition rather than by genetics or gestation, and that such parentage extends to the spouse of the parent at the time of the child’s birth.

**Subtitle B—National Origin-Based Antidiscrimination for Nonimmigrants**

**SEC. 3201. EXPANSION OF NONDISCRIMINATION PROVISION.** Adds religion to the list of impermissible discrimination grounds and extends the discrimination ban to nonimmigrant visas and other immigration benefits.

**SEC. 3202. TRANSFER AND LIMITATIONS ON AUTHORITY TO SUSPEND OR RESTRICT THE ENTRY OF A CLASS OF NONCITIZENS.** Restricts the President’s power under section 212(f) to suspend the entry of otherwise admissible noncitizens or classes of otherwise admissible noncitizens, by requiring the least restrictive means to achieve compelling governmental interests relating to security, public safety, human rights, democratic processes or institutions, or international stability. Requires the President to specify the duration of such orders. Requires advance consultation with Congress, including the evidence supporting the order, and, within 48 hours after the exercise of such power, a report to Congress. Requires publication of an unclassified version of such report. Allows judicial review at the request of individuals present in the United States and harmed by such order, including class actions. Permits the exclusion from the United States of passengers transported by airlines that violate the fraud detection requirements.

**Subtitle C—Diversity Immigrants**

**SEC. 3301. INCREASING DIVERSITY VISAS.** Increases the annual numerical limit on the issuance of diversity visas from 55,000 to 80,000.

**Subtitle D—Reforming Employment-Based Immigration**

**SEC. 3401. DOCTORAL STEM GRADUATES FROM ACCREDITED U.S. UNIVERSITIES.**

*Sec. 3401(a).—In General.* Adds noncitizens with doctoral degrees in the STEM fields from accredited United States institutions of higher education to the list of immigrants who are not subject to numerical limits.

*Sec. 3401(b).—Definitions.* Incorporates the definition of the STEM fields contained in the Department of Education’s Classification of Instructional Programs. Incorporates the definition of “accredited United States institution of higher education” contained in the Higher Education Act of 1965 and identifies the appropriate accrediting bodies.

## **SEC. 3402. ADDRESSING VISA BACKLOGS.**

*Sec. 3402(a).—Noncitizens Not Subject to Direct Numerical Limitations.* Eliminates numerical limitations on immigrants, including derivative beneficiaries, whose visa petitions have been approved and whose waits have exceeded ten years.

*Sec. 3402(b).—Effective Date.* Provides that this section takes effect 60 days after the date of the enactment of this Act.

## **SEC. 3403. ELIMINATING EMPLOYMENT-BASED PER COUNTRY LEVELS.**

*Sec. 3403(a).—In General.* Eliminates the per-country caps for employment-based immigrants.

*Sec. 3403(b).—Conforming Amendments.* Provides conforming amendments elsewhere in the Immigration and Nationality Act.

*Sec. 3403(c).—Country-Specific Offset.* Provides conforming amendments to the Chinese Student Protection Act of 1992.

*Sec. 3403(d).—Effective Date.* Makes this section effective beginning with fiscal year 2022.

**SEC. 3404. INCREASED IMMIGRANT VISAS FOR OTHER WORKERS.** Increases, from 10,000 to 40,000, the number of employment-based 3rd-preference immigrant visas reserved for “other workers” (i.e. other than the skilled and professional workers also classified within the 3rd preference). Makes corresponding changes to the percentage allocations of visas among the other employment-based preferences.

**SEC. 3405. FLEXIBLE ADJUSTMENTS TO EMPLOYMENT-BASED IMMIGRANT PROGRAM.** Authorizes the Secretary of Homeland Security, in consultation with the Secretary of Labor, to temporarily reduce admissions of employment-based 2nd- and 3rd-preference immigrants (professionals with advance degrees, those with “exceptional ability,” skilled and professional workers without advance degrees, and “other workers”) during times of high unemployment in particular geographic areas or labor market sectors.

## **SEC. 3406. REGIONAL ECONOMIC DEVELOPMENT IMMIGRANT VISA PILOT PROGRAM**

*Sec. 3406(a).—Pilot Program for Regional Economic Development Visas.* Authorizes the Secretary of Homeland Security to create a pilot program for the admission of up to 10,000 additional admissible immigrants per year whose employment is essential to the economic development strategies of their local communities.

**Sec. 3406(b).—Labor Certification.** Requires labor certification for immigrants admitted under this program.

**Sec. 3406(c).—Duration.** Authorizes the Secretary of Homeland Security to decide the duration of the program, but not to exceed five years.

**Sec. 3406(d).—Regulations,** Requires the Secretary of Homeland Security, in consultation with the Secretary of Labor, to issue implementing regulations for this program.

**SEC. 3407. WAGE-BASED CONSIDERATION OF TEMPORARY WORKERS.**

Authorizes the Secretary of Homeland Security, in consultation with the Secretary of Labor, when determining the order in which visas should be distributed among qualified H-1B workers (and any other nonimmigrant worker categories to whom the Secretary deems it appropriate to apply this section), to prioritize based on the wages offered by their employers.

**SEC. 3408. CLARIFYING DUAL INTENT FOR POSTSECONDARY STUDENTS.**

**Sec. 3408(a).—In General.** Exempts full-time F-1 students at institutions of higher education from the requirement, applicable to other F-1 students, of a foreign residence that the student has no intention of abandoning.

**Sec. 3408(b).—Conforming Amendments.** Makes conforming amendments to other sections of the Immigration and Nationality Act.

**SEC. 3409. H-4 VISA REFORM.**

**Sec. 3409(a).—Work Authorization for H-4 Visa Holders.** Authorizes employment for the spouse and children of a nonimmigrant temporary worker admitted to the United States under section 101(a)(15)(H) of the Immigration and Nationality Act,

**Sec. 3409(b).—Protecting H4 Children who Age out of Status.** Authorizes the Secretary of Homeland Security to extend the nonimmigrant status of an H1-B temporary worker who is the beneficiary of an employment-based 1st, 2nd, or 3rd preference petition, during the period that his or her application for adjustment of status is pending. Authorizes a similar extension for a child accompanying or following to join such a noncitizen if the child acquired derivative nonimmigrant status while under age 18. Prevents the child from aging out of eligibility for an immigrant visa as the beneficiary of such a noncitizen if the child was under age 21 at the time the parent filed the petition (or applied for labor certification).

**SEC. 3410. EXTENSIONS RELATED TO PENDING PETITIONS.**—Authorizes extensions of nonimmigrant stays for individuals previously granted nonimmigrant visas under subparagraphs (F) (students), H-1B (temporary professional workers), L (intracompany transferees), or O (noncitizens of “extraordinary ability”) of section 101(a)15) of the Immigration and Nationality

Act if their visa petitions or labor certification applications have been pending more than one year. Provides that these extensions will be in one-year increments. Prescribes employment authorization when such extensions are granted.

### **Subtitle E—Promoting Immigrant and Refugee Integration**

**SEC. 3501. DEFINITION OF FOUNDATION.** In this subtitle, the term “Foundation” means the United States Citizenship and Integration Foundation established under section 3502.

### **SEC. 3502. UNITED STATES CITIZENSHIP AND INTEGRATION FOUNDATION.**

**Sec. 3502(a).—Authorization.** Authorizes the Secretary of Homeland Security to establish a nonprofit corporation or similar entity to be known as the “United States Citizenship and Integration Foundation” (“the “Foundation”).

**Sec. 3502(b).—Gifts to Foundation.** Authorizes the Foundation to solicit, accept, and make gifts of money and other real or personal property and to collaborate in its work with the Department of Homeland Security.

**Sec. 3502(c).—Purposes of Foundation.** Describes the purposes of the Foundation as spurring innovation in the promotion and expansion of citizenship preparation programs for lawful permanent residents; identifying and evaluating best practices in citizenship promotion and preparation and making recommendations to the Department about how to bring about such best practices; supporting direct assistance to applicants for lawful permanent resident status or naturalization; and coordinating on integration efforts with State and local entities.

**Sec. 3502(d).—Carrying Out of Purposes.** Lays out the activities through which the Foundation is to carry out its purposes. They include making United States citizenship instruction and naturalization application services accessible to low-income and other underserved lawful permanent resident populations; prioritizing best practices in United States citizenship promotion and preparation; solving problems faced by those seeking naturalization; expanding the use of technology in United States citizenship preparation programs; bringing receiving communities into the United States citizenship and civic integration process; administering the New Citizens Award Program to annually recognize up to 10 United States citizens who were naturalized in the preceding 10 years and have made outstanding contributions to the United States; fostering public education and awareness; coordinating with United States Citizenship and Immigration Services; and awarding grants to State and local governments.

**Sec. 3502(e).—Council of Directors.** Establishes a Council of Directors, consisting of the Director of United States Citizenship and Immigration Services and 10 additional members appointed by the Director of United States Citizenship and Immigration Services to four-year



renewable terms, except that five of the first group of ten members are to be designated to initially serve two-year terms, which may be followed by renewable four-year terms. In making appointments, the Director is to consider individuals with experience serving in national private and public nonprofit organizations that promote and assist permanent residents with naturalization. The Council by majority vote appoints an Executive Director for a 6-year renewable term. The Executive Director is to oversee the day-to-day operations of the Foundation.

***Sec. 3502(f).—Authority of Executive Director.*** Authorizes the Executive Director to accept, hold, administer, invest, and spend any real or personal property of the Foundation; enter into contracts; and charge reasonable fees for professional services furnished by the Foundation.

***Sec. 3502(g).—Timeline.*** Makes the Foundation operational within 12 months of enactment of this Act.

***Sec. 3502(h).—Authorization of Appropriations for Foundation and Pilot Program.*** Authorizes, for the first two fiscal years after the date of enactment of this Act, the appropriations necessary to establish the Foundation and the pilot program described in section 3507 of this Act. Specifies that such amounts may be invested and that the investment yields are to remain available for the operations of the Foundation and the pilot program without further appropriation.

### **SEC. 3503. PILOT PROGRAM TO PROMOTE IMMIGRANT INTEGRATION AT STATE AND LOCAL LEVELS.**

***Sec. 3503(a).—Grants Authorized.*** Directs the Chief of the United States Citizenship and Immigration Services' Office of Citizenship to establish a pilot program through which the Chief may award grants, on a competitive basis, to States, local governments, or other qualifying entities, in collaboration with State and local governments, to carry out programs to integrate new immigrants or to create New Immigrant Councils to carry out such programs.

***Sec. 3503(b).—Application.*** A State or local government may apply to the Chief for a grant under this section, providing such information, in such form, and at such time as the Chief may reasonably require.

***Sec. 3503(c).—Authorized Activities.*** A grant awarded under this subsection may be used to form a New Immigrant Council, which must consist of between 15 and 19 individuals, inclusive, from the State, local government, or qualifying organization, including, to the extent practicable, representatives from business, faith-based organizations, civic organizations, philanthropic organizations, nonprofit organizations (including those with legal and advocacy experience

working with immigrant communities), key education stakeholders, State adult education offices, State or local public libraries, and State or local governments. New Immigrant Councils must meet at least once each quarter. Grantees may make subgrants to local communities, city governments, municipalities, nonprofit organizations (including veterans' and patriotic organizations), or other qualifying entities. Grant funds may also be used to develop, implement, expand, or enhance a comprehensive plan to introduce and integrate new immigrants into the State by improving English language skills, engaging caretakers with limited English proficiency in their child's education, improving access to workforce training programs, teaching United States history, civics, and citizenship rights and responsibilities, improving financial literacy, and engaging receiving communities in the citizenship and civic integration process.

***Sec. 3503(d).—Reporting and Evaluation.*** Requiring every grant recipient to submit an annual report to the Chief, describing the activities undertaken, their effectiveness, the geographic areas served, the number of immigrants in such areas, and the primary languages spoken in such areas. Also requiring the Chief to evaluate the grant program annually, noting areas of possible improvement and ensuring that grantees, recipients, and subgrantees are acting within the scope and purpose of this section.

#### **SEC. 3504. ENGLISH AS A GATEWAY TO INTEGRATION GRANTS.**

***Sec. 3504(a).—Authorization.*** Directs the Assistant Secretary for Career, Technical, and Adult Education in the Department of Education to award English as a Gateway to Integration grants to eligible entities.

***Sec. 3504(b).—Eligibility.*** Lays out the eligibility requirements for these grants. The entity may be a state, local government unit, or private educational, community-based, or nonprofit institution or organization. Prior recipients must use matching grants from non-Federal sources, equal to at least 25 percent of the amount of the grants under this section. The application must describe the target population served and the evaluation measures, and demonstrate collaboration with other entities. The programs for which funding is requested must teach English language skills to Limited English Proficient (LEP) individuals who have less than a U.S. high school diploma or are parents who are caretakers of young children. The programs must promote the social, economic and civic integration of adult English language learners and their families, equip them for ongoing, independent learning, and help them develop digital literacy skills. The entity must be in a State with one of the ten highest proportions of foreign-born residents or a State with a large increase in the population of immigrants during the most recent 10-year period.

***Sec. 3504(c).—Use of Funds.*** Requires that grant funds awarded under this section be used to provide adult English language instruction to build the students' knowledge of United States history and civics, prepare for naturalization, gain digital literacy, navigate the early

childhood, K–12 and postsecondary education systems, gain financial literacy, learn about housing and health care, prepare for a high school equivalency diploma or post-secondary training or education, and prepare for and secure employment. Programs may include accessible classroom instruction, online instruction, and special support for students with low literacy levels in their first language.

***Sec. 3504(d).—Certification.*** Requires the entity, before receiving grant funds under this section, to certify to the Assistant Secretary that its proposed uses of grant funds are consistent with the requirements of this section.

***Sec. 3504(e).—Annual Report and Evaluation.*** Requires the entity, within 90 days after the end of each fiscal year for which it receives grant funds under this section, to submit a report to the Assistant Secretary. The report must describe the funded activities, the geographic area or areas served, the number of immigrants in such areas, the primary languages spoken in those areas, the number of adult English language learners who were funded entirely or partially by these grant funds, and a breakdown of the total and average per-capita costs of the instruction. The report must also include an assessment of the program’s effectiveness, recommendations for improvement, whether the English language instruction needs of the geographic area served have been met, and if not, what further assistance is required.

***Sec. 3504(f).—Definitions.*** Defines “State” to include the various United States territories; defines “limited English proficient” and “English language learner” as a non-native English speaker who does not speak English as his or her primary language and who has a limited ability to read, speak, write, or understand English; and defines “adult English language learner” as someone age 16 or older who is not enrolled in secondary school and is limited English proficient.

***Sec. 3501(g).—Authorization of Appropriations.*** Appropriates such sums as may be necessary to implement this section.

## **SEC. 3505. WORKFORCE DEVELOPMENT AND SHARED PROSPERITY GRANTS.**

***Sec. 3505(a).—Declaration of Policy.*** Declares it is United States policy that adults have adequate and equitable access to education and workforce programs that teach basic skills, including occupational skills; that helping adults with limited skills to attain industry-recognized postsecondary credentials strengthens the economy; and that workforce programs for adults with limited skills should incorporate an integrated education and training approach.

**Sec. 3505(b).—Authorization.** Directs the Assistant Secretary for Career, Technical, and Adult Education in the Department of Education to award grants, on a competitive basis, to qualifying entities working in collaboration with State and local governments.

**Sec. 3505(c).—Qualifying Entities.** Defines “qualifying entities” under this section to include educational institutions, private organizations, community-based organizations, and not-for-profit organizations.

**Sec. 3505(d).—Eligibility.** Requires that the collaborating State or local government agency be one that promotes the economic integration of immigrants and refugees and their families; has expertise in workforce development and adult education; and has, or collaborates for the grant with, at least one entity that has expertise in workforce development and adult education for immigrants and refugees. Requires matching funds of at least 25 percent of the grant amount from non-Federal sources. Requires applicants to describe the target population to be served, including demographics, English language levels, educational levels, and skill levels of the target population; the specific instructional model; the design of the program and the expertise of the educators; and how the program will prepare students to receive a high school equivalency credential, a postsecondary credential, or employment. The applicant must also supply evidence of employer demand for the skills or occupational training offered by the grant program; the extent to which the program reduces the time required for students to acquire English and workforce skills; how the program will increase digital literacy skills; how the program will provide student support services, including guidance counseling; and the measures that will be used to evaluate progress in basic skills and preparation for employment.

**Sec. 3505(e).—Certification.** Requires the entity, before receiving grant funds under this section, to certify to the Assistant Secretary that its proposed uses of grant funds are consistent with the requirements of this section.

**Sec. 3505(f).—Technical Assistance.** Directs the Assistant Secretary to provide technical assistance to adult education providers on how to provide integrated education and training.

**Sec. 3505(g).—Annual Report and Evaluation.** Requires the entity, within 90 days after the end of each fiscal year for which it receives grant funds under this section, to submit a report to the Assistant Secretary. The report must describe the funded activities, the geographic area or areas served, the number of immigrants in such areas, the primary languages spoken in those areas, and a breakdown of the total and average per-capita costs of the instruction. The report must also include an assessment of the program’s effectiveness, recommendations for improvement, whether the legal services needs of the geographic area served have been met and, if not, what further assistance is required.

**Sec. 3505(h).—Definitions.** Defines “State” to include the various United States territories; defines “integrated education and training” to mean instruction that provides adult education, literacy, and English language activities concurrently and contextually with specific workforce training; and defines “adult education” to mean academic instruction below the postsecondary level that is necessary to attain a secondary school diploma or its recognized equivalent, to transition to postsecondary education and training, or to obtain employment.

**Sec. 3505(i).—Authorization of Appropriations.** Authorizes appropriations of \$100,000,000 to implement this section in fiscal years 2022 and 2023.

#### **SEC. 3506. EXISTING CITIZENSHIP GRANTS.**

**Sec. 3506(a).**—Authorizes the Department of Homeland Security to award grants to public or private nonprofit organizations for citizenship education and training.

**Sec. 3506(b).**—Specifies that whether an organization is enrolled in the E-Verify system must not be a factor in the decision whether to award a grant under this section.

#### **SEC. 3507. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.**

**Sec. 3507(a).—Establishment.** Authorizes the Secretary to establish, within United States Citizenship and Immigration Services, a program to award grants on a competitive basis to eligible nonprofit organizations that will use the funding to assist eligible applicants under the lawful prospective immigrant and lawful permanent resident sections of subtitle A of title I of this Act.

**Sec. 3507(b).—Eligible Nonprofit Organization.** Defines “eligible nonprofit organization” as a nonprofit, tax-exempt organization with demonstrated qualifications, experience, and expertise in providing quality services to immigrants, refugees, asylees, or applicants for such statuses.

**Sec. 3507(c).—Use of Funds.** Allowing grant funds to be used to disseminate information to the public regarding the eligibility and benefits of lawful prospective immigrant status authorized under section 1101 of this Act. Such funds may also be used to provide assistance, within the scope of the authorized practice of immigration law, to individuals submitting applications for lawful prospective immigrant status under section 1101 of this Act or for adjustment of status to that of a noncitizen lawfully admitted for permanent residence under sections 1102, 1103, 1104, or 1105 of this Act, or to individuals on the rights and responsibilities of United States citizenship, in civics or English as a second language classes, or applying for United States citizenship.

**Sec. 3507(d).—Source of Grant Funds.** Authorizes the Secretary to use up to \$50,000,000 from the Immigration Examinations Fee Account pursuant to section 286(m) of the Immigration and Nationality Act to carry out this section. Also authorizes such additional appropriations as are necessary to carry out this section for five fiscal years, starting with the first fiscal year that begins after the date of enactment of this Act. Provides that all such appropriations are to remain available until expended.

**SEC. 3508. STUDY ON FACTORS AFFECTING EMPLOYMENT OPPORTUNITIES FOR IMMIGRANTS AND REFUGEES WITH PROFESSIONAL CREDENTIALS OBTAINED IN FOREIGN COUNTRIES.**

**Sec. 3508(a).—Study Required.** Directs the Secretary of Labor to conduct a study on the factors affecting employment opportunities in the United States for applicable immigrants and refugees with foreign professional credentials. The Secretary is to coordinate with the Secretary of State, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Administrator of the Internal Revenue Service, and the Commissioner of the Social Security Administration, and to draw from existing data and resources of nonprofit and State agencies.

**Sec. 3508(b).—Inclusions.** Requires that the study compare the employment in the United States of immigrants and refugees admitted in the last 5 years with the employment of the same individuals before their arrival. The study is also to include their pre-arrival occupational and academic credentials, assess any barriers to their skill-appropriate employment opportunities in the United States, analyze the existing public and private resources assisting applicable immigrants and refugees to make fuller use of their experience and qualifications, and offer policy recommendations for overcoming those barriers.

**Sec. 3508(c).—Definitions.** Defines “applicable immigrants and refugees” to include not only noncitizens who are lawfully present and authorized to be employed, but also United States citizens who were born outside the United States and its outlying possessions. Clarifying that all terms used in this section have the definitions given them in section 101(a) of the Immigration and Nationality Act.

**SEC. 3509. IN-STATE TUITION RATES FOR REFUGEES, ASYLEES, AND CERTAIN SPECIAL IMMIGRANTS.**

**Sec. 3509(a).—**Bars any State that receives assistance under this Act from charging, for public institutions of higher education, higher tuition for certain noncitizens domiciled in the State than for other State residents. Identifies, as the noncitizens to whom this section applies, those who have been granted refugee status or asylum and those granted special immigrant status under certain statutes pertaining to Iraqis, Afghans, and translators assisting the United States Armed

Forces. Conditions protection under this section on the noncitizen having established residency in the State, and only with respect to the State in which the noncitizen was first domiciled after being admitted into the United States with the status described in subsection (b). Specifies that this section takes effect for the first period of enrollment that begins after January 1, 2021 at each institution to which it applies.

***Sec. 3509(b).—Conforming Amendment.*** Adds a conforming amendment to the table of contents for the Higher Education Act of 1965.

## **SEC. 3510. WAIVER OF ENGLISH REQUIREMENT FOR SENIOR NEW AMERICANS.**

Exempts, from both the English language and civics/history requirements for naturalization, anyone who is physically or mentally unable to meet those requirements and anyone who at the time of applying is older than 65 years of age and has lived in the United States at least 5 years after being lawfully admitted for permanent residence. Exempts from the English language requirement anyone who at the time of applying is (a) older than 50 years of age and has been living in the United States for at least 20 years after being lawfully admitted for permanent residence; (b) older than 55 years of age and has been living in the United States for at least 15 years after being lawfully admitted for permanent residence; or (c) is older than 60 years of age and has been living in the United States for at least 10 years after being lawfully admitted for permanent residence. Gives the Secretary of Homeland Security the discretion to waive, on a case-by-case basis, the civics/history requirement for naturalization for anyone who, at the time of applying, is older than 60 years of age and has been living in the United States for at least 10 years after being lawfully admitted for permanent residence.

## **SEC. 3511. NATURALIZATION FOR CERTAIN UNITED STATES HIGH SCHOOL GRADUATES.**

***Sec. 3511(a).—In General.*** Exempts certain individuals from both the English language and civics/history requirements for naturalization.

***Sec. 3511(b).—Noncitizens Described.*** Describes the exempted individuals as noncitizens who submit transcripts showing the completion of grades 9 through 12 and graduation from a United States high school, together with evidence that they completed a curriculum that reflects knowledge of United States history, Government, and civics.

***SEC. 3511(c).—Clerical Amendment.*** Adds a conforming amendment to the table of contents of the Immigration and Nationality Act.

**Sec. 3511(d).—Applicability.** Specifies that this section applies to anyone who applies for naturalization on or after the date of enactment of this Act.

**Sec. 3511(e).—Regulations.** Requires the Secretary of Homeland Security to promulgate regulations implementing this section not later than 180 days after the date of the enactment of this Act.

## **SEC. 3512. NATURALIZATION CEREMONIES.**

**Sec. 3512(a).—In General.** Directs the Chief of the Office of Citizenship in United States Citizenship and Immigration Services, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, to develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

**Sec. 3512(b).—Venues.** Requires consideration of the use of outstanding and historic locations as venues for some naturalization ceremonies.

## **SEC. 3513. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

**Sec. 3513(a).—Establishment.** Requires the Secretary of Homeland Security, not later than 12 months after the date of enactment of this Act, to establish a program to promote United States citizenship.

**Sec. 3513(b).—Program Activities.** Requires outreach activities as part of that program.

**Sec. 3513(c).—Outreach.** Requires that such outreach include developing materials targeted to noncitizens who have been lawfully admitted for permanent residence to encourage them to apply for naturalization. The Secretary is to make those materials available through public service announcements, advertisements, and other appropriate media. Also requires the Secretary to target the outreach to eligible noncitizens by way of text, email, and the United States Postal Service that includes, on paper or in electronic form, notice of possible eligibility for naturalization, information about the eligibility requirements and the benefits of United States citizenship, a pre-filled naturalization application containing the data the Department already has about the individual, instructions for completing the application, and information about where to get free or low-cost assistance to apply for naturalization and to prepare for the English and civics exams.

## **SEC. 3514. AUTHORIZATION OF APPROPRIATIONS FOR FOUNDATION AND PILOT PROGRAM.**



**Sec. 3514 (a).—In General.** Appropriates for the first 2 fiscal years after the date of the enactment of this Act sums necessary to establish the Foundation and carry out the pilot program under section 3502.

**Sec. 3514 (b).—Use of Funds.** Amounts appropriated to establish the Foundation and carry out the pilot program under section 3502 may be invested, and any amounts resulting from such investments shall remain available for the operations of the Foundation and the pilot program without further appropriation.

## **TITLE IV—IMMIGRATION COURTS, FAMILY VALUES, AND VULNERABLE INDIVIDUALS**

### **Subtitle A—Promoting Efficient Processing of Asylum Seekers; Addressing Immigration Court Backlogs; and Efficient Repatriation of Migrants Ordered Removed**

#### **SEC. 4101. EXPANDING ALTERNATIVES TO DETENTION.**

**Sec. 4101(a).—Family Case Management Program.** Directs the Secretary of Homeland Security to expand the Family Case Management Program (FCMP) for apprehended noncitizens who are members of family units arriving in the U.S. and to develop additional community-based programs to increase the number of enrollees in the Alternatives to Detention (ATD) program.

**Sec. 4101(b).—Nonprofit Entity Contracting Partner.** Directs the Secretary to contract with qualified nonprofits to operate ATDs, including FCMP.

**Sec. 4101(c).—Legal Orientation.** Requires the Secretary to ensure that enrollees in ATDs, including FCMP, are provided legal orientation training.

#### **SEC. 4102.—ELIMINATING IMMIGRATION COURT BACKLOGS.**

**Sec. 4102(a).—Addressing Immigration Judge Shortages.** Directs the Attorney General to hire at least 55 immigration judges (IJs) per year in fiscal years 2021 through and including 2024.

**Sec. 4102(b).—Qualifications and Selection.** Requires the Attorney General (1) ensure that newly hired IJs and members of the Board of Immigration Appeals (BIA) are highly qualified experts on immigration law, trained to conduct fair, impartial adjudications in accordance with due process requirements; and (2) strive to achieve an equal numerical balance in hiring candidates with government experience in immigration and candidates with private sector experience, including in nonprofits, the private bar, or in academic settings.

***Sec. 4102(c).—Addressing Support Staff Shortages.*** Requires the Attorney General to ensure that each IJ has sufficient support staff, technology and security resources, and courtroom facilities, subject to appropriations.

***Sec. 4102(d).—Additional Board of Immigration Appeals Personnel.*** Directs the Attorney General to increase the number of BIA staff attorneys (and support staff) by at least 23 attorneys per year for fiscal years 2021, 2022, and 2023.

***Sec. 4102(e).—GAO Report.*** Directs the Comptroller General to conduct a study of impediments to efficient hiring of IJs and propose solutions to Congress to improve hiring efficiency.

### **SEC. 4103. IMPROVED TRAINING FOR IMMIGRATION JUDGES AND MEMBERS OF THE BOARD OF IMMIGRATION APPEALS.**

***Sec. 4103(a).—In General.*** Requires the Director of EOIR to establish or expand training programs for IJs and BIA members.

***Sec. 4103(b).—Mandatory Training.*** Provides that training shall include age, gender, and trauma-sensitivity training for new IJs and BIA members; continuing education regarding current developments in immigration law; and training on properly crafting and dictating decisions and standards of review.

**SEC. 4104. NEW TECHNOLOGY TO IMPROVE COURT EFFICIENCY.** Directs the EOIR Director to modernize case management, video-teleconferencing, digital audio recording, and related electronic systems, including electronic filing, to improve the efficiency of immigration court proceedings.

### **SEC. 4105. COURT APPEARANCE COMPLIANCE AND LEGAL ORIENTATION.**

***Sec. 4105(a).—Access to Legal Orientation Programs.*** Directs the Secretary of Homeland Security and the Attorney General to establish procedures to ensure that legal orientation programs are available for all noncitizens in DHS custody, regardless of such noncitizen's current immigration status, prior immigration history, or potential for immigration relief. Such programs shall provide information relating to basic procedures of immigration hearings; rights and obligations relating to such hearings; legal protections and resources available to noncitizens; and other subjects deemed appropriate and necessary by the Attorney General.

***Sec. 4105(b).—Expansion of Information Help Desk Program for Non-Detained Noncitizens in Removal Proceedings.*** Directs the Attorney General to expand the information help desk

program to all immigration courts to provide non-detained noncitizens with pending asylum claims access to information related to that noncitizen's immigration status.

## **SEC. 4106. IMPROVING COURT EFFICIENCY AND REDUCING COSTS BY INCREASING ACCESS TO LEGAL INFORMATION.**

### ***Sec. 4106(a).—Appointment of Counsel in Certain Cases; Right to Review Certain Documents in Removal Proceedings.***

*Amended INA Sec. 240(b).*—Continues to provide that noncitizens have the privilege of being represented by counsel of their choosing. Authorizes the Attorney General to appoint or provide counsel at government expense. Requires the government to provide noncitizens a complete copy of all relevant documents in possession of DHS, including all documents in such noncitizen's A-File, at the start of removal proceedings (except privileged documents, including national security information). Absent a written waiver, the government may not move forward with removal proceedings until the noncitizen has received the aforementioned documents and had meaningful time to review and assess them.

### ***Sec. 4106(b).—Clarification Regarding the Authority of the Attorney General to Appoint Counsel to Noncitizens in Immigration Proceedings.***

*New INA Sec. 292(a), (b).*—*In General, Access to Counsel.* Provides that noncitizens shall have the privilege of being represented in proceedings conducted under sections 235 (expedited removal); 236 (discretionary detention, bond hearings); 238 (expedited removal for noncitizens convicted of committing aggravated felonies); 240 (removal proceedings); 241 (mandatory detention during the removal period, bond hearings). Authorizes the Attorney General to appoint or provide counsel in any such proceeding. Directs the Secretary of Homeland Security to ensure noncitizens have access to counsel inside all immigration detention and border facilities.

### ***Sec 4106(c).—Appointment of Counsel for Children and Vulnerable Noncitizens.***

*New INA Sec. 292(c)*—*Children and Vulnerable Individuals.* Directs the Attorney General to appoint counsel for noncitizens determined by the Secretary of Homeland Security or Attorney General to be a child, particularly vulnerable individual (including persons with a disability, victims of abuse, torture, or violence, or pregnant or lactating women), or parent of a citizen minor. Such counsel shall be provided at government expense to qualifying noncitizens unable to obtain adequate representation, at the beginning of proceedings or as expeditiously as possible. If the Attorney General has consolidated the case of a noncitizen with appointed counsel with that of a noncitizen without counsel, then the appointed counsel shall represent the other noncitizen unless a conflict of interest is demonstrated. Directs the Attorney General to

promulgate implementing regulations for section 292(c) not later than 180 days after date of enactment.

***Sec. 4106(d).—In General.***

*New INA Sec. 295.—Supplementary Surcharge.* Establishes a new Immigration Counsel Account in the general Treasury fund, with funds available until expended to provide access to counsel. Imposes an additional \$25 surcharge on all immigration fees, which shall be collected and deposited in such fund. Directs the Secretary of Homeland Security, following public rulemaking with opportunity for notice and comment, to submit a report to Congress on the status of the account and recommend any necessary adjustment in fee to equal the cost of providing access to counsel.

***Sec. 4106(e).—Table of Contents.*** Amends the table of contents for the INA to include new section 295.

***Sec. 4106(f).—Motions to Reopen.*** Creates a special rule for children and vulnerable individuals allowing motions to reopen to request appointed counsel when required by this section and stays removal while the motion to reopen is pending.

**SEC. 4107. FACILITATING SAFE AND EFFICIENT REPATRIATION.**

***Sec. 4107(a).—United States Support for Reintegration.*** Directs the Secretary of State, in consultation with the Secretary of Homeland Security, and the USAID Administrator to coordinate with El Salvador, Guatemala, Honduras, and any other Central American country designated by the Secretary of Homeland Security, to promote reintegration of families, unaccompanied children, and other noncitizens repatriated to their countries of origin by helping to develop and fund reintegration services.

***Sec. 4107(b).—Eligibility of Citizens and Nationals of Repatriation Country.*** Clarifies that citizens and nationals of the repatriation country are also eligible to participate in the programs described in subsection (a).

***Sec. 4107(c).—Consultation with Nongovernmental Organizations.*** Directs the Secretary of State, when developing reintegration programs, to consult with NGOs in countries of repatriation and the U.S. with experience in integrating repatriated individuals.

***Sec. 4107(d).***—Authorizes appropriations as necessary.

**Subtitle B—Protecting Family Values and Monitoring and Caring for Unaccompanied  
Noncitizen Children after Arrival**

**SEC. 4201. DEFINITION OF LOCAL EDUCATIONAL AGENCY.**

In this subtitle, the term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

**SEC. 4202. RESPONSIBILITY OF SPONSOR FOR IMMIGRATION COURT COMPLIANCE AND CHILD WELL-BEING.**

*Sec. 4202(a).—In General.* Directs the Secretary of Health and Human Services, in consultation with the Attorney General, to ensure a legal orientation program is provided to all sponsors of unaccompanied noncitizen children before placement with such sponsors.

*Sec. 4202(b).—Programs Elements.* Requires that the legal orientation program cover the basic rights of the unaccompanied child, the obligations of the sponsor, and any other subjects designated by the Secretary of Health and Human Services or the Attorney General.

**SEC. 4203. FUNDING TO SCHOOL DISTRICTS FOR UNACCOMPANIED NONCITIZEN CHILDREN.**

*Sec. 4203(a).—Grants Authorized.* Directs the Secretary of Education to award competitive grants to local educational agencies to provide services and opportunities to unaccompanied noncitizen children.

*Sec. 4203(b).—Eligible Local Educational Agencies.* Makes local educational agencies or consortia of neighboring local educational agencies eligible for grants if there are more than 50 unaccompanied noncitizen children enrolled in public schools served by such agencies or consortia during the fiscal year for which a grant is awarded. The number of unaccompanied noncitizen children shall be based on data provided by DHS or the Director of ORR. Applicants for such grants shall describe how the funding will be used to enhance opportunities and provide services.

**SEC. 4204.—SCHOOL ENROLLMENT.** Provides that, in order to qualify for such grants, local educational agencies shall ensure that unaccompanied noncitizen children in the area served by the agency are enrolled in school within 7 days of a request for enrollment and shall remove barriers to full participation in educational programs (including those related to documentation, age, and language).

## **Subtitle C-Admission and Protection of Refugees, Asylum Seekers, and Other Vulnerable Individuals**

**SEC. 4301. ELIMINATION OF TIME LIMITS ON ASYLUM APPLICATIONS.** Repeals the 1-year asylum filing deadline. Allows a noncitizen with a previously denied asylum application to file a new asylum application if the noncitizen demonstrates, to the satisfaction of the Secretary of Homeland Security or the Attorney General, changed circumstances that materially affect the applicant's eligibility for asylum. Allows an asylum applicant to file a motion to reopen, notwithstanding other statutory limitations on the filing of such motions, during the 2-year period beginning on the date of enactment of this Act, if such noncitizen was (1) denied asylum solely based on failure to meet the 1-year application deadline; (2) was granted withholding of removal; (3) has not obtained LPR status; (4) is not subject to the safe third country exception or other bar to asylum; and (5) was not denied asylum as a matter of discretion.

**SEC. 4302. INCREASING ANNUAL NUMERICAL LIMITATIONS ON U VISAS.** Increases the number of U Visas from 10,000 to 30,000.

### **SEC. 4303. EMPLOYMENT AUTHORIZATION FOR ASYLUM SEEKERS AND OTHER INDIVIDUALS.**

#### ***Sec. 4303(a).—Asylum Seekers.***

*New INA Sec. 208(d)(2).—Employment Authorization.* Directs the Secretary of Homeland Security to provide employment authorization for asylum applicants who are not detained and whose applications have not been deemed frivolous, upon completion of the time period that begins when the application is filed and continues for the number of days, not to exceed 180, designated by the Secretary under this section. For this purpose, the asylum application is considered filed when the applicant transmits or delivers it to the Secretary or EOIR. The employment authorization remains valid until the asylum application is denied, including after any administrative or judicial review.

***Sec. 4303(b).—Individuals Granted Withholding of Removal or Applying for Withholding of Removal.*** Directs the Secretary of Homeland Security to provide employment authorization for non-detained noncitizens granted withholding of removal or protection under the Convention Against Torture (CAT). Provides for renewable two-year employment authorization terms for the duration of the withholding or deferral of removal status. Directs the Secretary to authorize employment for a non-detained noncitizen whose application for withholding of removal or protection under CAT is pending and has not been deemed frivolous, upon completion of the time period that begins when the application is filed and continues for the number of days, not to exceed 180, designated by the Secretary under this section. Deems such application filed when

the applicant transmits or delivers the application to the Secretary of Homeland Security or EOIR. The employment authorization remains valid until the asylum application is denied, including any administrative or judicial review.

#### **SEC. 4304. ENHANCED PROTECTION FOR INDIVIDUALS SEEKING U VISAS, T VISAS, AND PROTECTION UNDER VAWA.**

*Sec. 4304(a).—Employment Authorization for T Visa Applicants.* Directs the Secretary to provide employment authorization to T visa applicants whose applications have not been determined to be frivolous, beginning on the earlier of (1) the date on which the noncitizen’s petition for such status is approved; or (2) the date determined by the Secretary that is not later than 180 days after the date on which such noncitizen filed such petition.

*Sec. 4304(b).—Increased Accessibility and Employment Authorization for U Visa Applicants.*

*New INA Sec. 214(p)(8).—Employment Authorization.* Directs the Secretary to provide employment authorization to U visa applicants whose applications have not been determined to be frivolous, beginning on the earlier of (1) the date on which the noncitizen’s petition for such status is approved; or (2) the date determined by the Secretary that is not later than 180 days after the date on which such noncitizen filed such petition.

*Sec. 4304(c).—Prohibition on Removal of Certain Victims with Pending Petitions and Applications.* Prevents the removal of a noncitizen with a pending nonfrivolous application or petition for a T or U visa; temporary protected status; special rule cancellation of removal for certain abused spouses or children; protection under a provision for the battered spouses or children of certain nonimmigrants; or a VAWA self-petitioner.

*Sec. 4304(d).—Prohibition on Detention of Certain Victims with Pending Petitions and Applicants.*

*New INA Sec. 235(f).—Detention of Certain Victims with Pending Petitions and Applications.* Establishes a presumption of release for a noncitizen who has a pending application or petition, which has not been found to be frivolous, for any of the same remedies listed in subsection (c). Allows the Secretary of Homeland Security to rebut this presumption by clear and convincing evidence that alternatives to detention will not ensure the appearance of the noncitizen at removal proceedings, or that the noncitizen is a threat to another person or the community. The pendency of a criminal charge may not be the sole factor to justify continued detention.

#### **SEC. 4305.—ALTERNATIVES TO DETENTION.**

*New INA Sec. 236(e).—Alternatives to Detention.* Directs the Secretary of Homeland Security to establish programs that provide alternatives to detention (ATDs) with a continuum of supervision

mechanisms, including community-based supervision and community support. Authorizes the Secretary to contract with NGOs to provide services for ATDs.

**SEC. 4306.—NOTIFICATION OF PROCEEDINGS.** Requires notice of change in time or place of removal proceedings be given to both the noncitizen and such noncitizen's counsel of record.

**SEC. 4307. AUTHORIZATION OF APPROPRIATIONS.** Appropriates sums as necessary to implement this title, in addition to funds derived from the fee accounts of USCIS, and funds as necessary to reduce the USCIS asylum application backlog.

**SEC. 4308. CONVERSION OF CERTAIN PETITIONS.** Authorizes the Secretary of Homeland Security or the Secretary of State to convert petitions for an Iraqi or Afghan special immigrant under section 1059 of the fiscal year 2006 NDAA to a petition under section 1244(c) of the fiscal year 2008 NDAA for (Special Immigrant Status for Certain Iraqis) until the numerical limitation specified under the latter provision is reached.

**SEC. 4309. IMPROVEMENTS TO APPLICATION PROCESS FOR AFGHAN SPECIAL IMMIGRANT VISAS.** Amends the Afghan Allies Protection Act of 2009, to allow an individual employed in Afghanistan by or on behalf of the U.S. military or International Security Assistance Force who submits a petition after September 30, 2015 to qualify for a special immigrant visa with only one year of relevant employment, rather than the usual two years, if the individual previously applied for such status before September 30, 2015. Requires Chief of Mission Approval be completed, alongside all other steps incidental to issuance of such visas, not later than 9 months after the filing of the petition.

**SEC. 4310. SPECIAL IMMIGRANT STATUS FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.**

*Sec. 4310(a).—In General.* Creates a new special immigrant visa (SIV) available to surviving spouses or children of U.S. government employees abroad, provided that such employee performed faithful service for a total of at least 15 years or was killed in the line of duty.

*Sec. 4310(b).—Special Immigrant Status for Surviving Spouses and Children.* Amends the Afghan Allies Protection Act of 2009 to (1) allow surviving spouses and children of a principal noncitizen who had submitted an application to the Chief of Mission to obtain special immigrant status; and (2) provide that an application by a surviving spouse or child shall be subject to the employment requirements as of the date of the principal noncitizen's applications (or, if no application has been filed, as of the date of death).



**Sec. 4310(c).—Special Immigrant Status for Certain Iraqis.** Amends the Refugee Crisis in Iraq Act to (1) allow surviving spouses and children of a principal noncitizen who submitted an application to the Chief of Mission to obtain special immigrant status; and (2) provide that an application by a surviving spouse or child shall be subject to the employment requirements as of the date of the principal noncitizen’s applications (or, if no application has been filed, as of the date of death).

**Sec. 4310(d).—Effective Date.** Sets the effective date as January 1, 2021.

## **SEC. 4311. SPECIAL IMMIGRANT STATUS FOR CERTAIN SYRIANS WHO WORKED FOR THE UNITED STATES GOVERNMENT IN SYRIA.**

Authorizes the Secretary of Homeland Security to grant up to 5,000 special immigrant visas to certain Syrian nationals employed by or on behalf of the U.S. government for at least 1 year beginning on January 1, 2014.

**Sec. 4311(a).—In General.** Authorizes the Secretary to grant special immigrant status to a noncitizen described below if such noncitizen submits a petition, is otherwise eligible to receive an immigrant visa, is otherwise admissible, and passes background checks.

**Sec. 4311(b).—Noncitizens Described.** To be eligible for relief under this section, a noncitizen must be (1) a citizen or national of Syria or a stateless person who habitually resided in Syria; (2) was employed on or on behalf of the U.S. government in Syria for at least a year beginning on January 1, 2014; and (3) obtained a favorable written recommendation from a U.S. citizen supervisor in the chain of command of the U.S. Armed Forces unit or U.S. government entity. Extends eligibility to the spouses and children, and surviving spouses and children, of such noncitizens who are following or accompanying to join.

**Sec. 4311(c).—Numerical Limitations.** Caps the number of special immigrant visas available under this section at 5,000 in each of the first 5 fiscal years starting from the date of enactment. Exempts Syrian special immigrants from other numerical limitations under INA sections 201(d), 202(a), or 203(b)(4). Allows unused visas from each fiscal year to be carried forward to the next fiscal year.

**Sec. 4311(d).—Visa and Passport Issuance and Fees.** Prohibits noncitizens applying for Syrian SIV status from being charged an application fee. Directs Secretary of State to ensure recipients of such status receive appropriate passports.

**Sec. 4311(e).—Protection of Noncitizens.** Directs the Secretary of State to make reasonable effort to provide protection for eligible noncitizens seeking special immigrant status under this section, or to immediately remove such noncitizens from Syria if they are in imminent danger.

**Sec. 4311(f).—Application Process.** Allows a noncitizen applying for special immigrant status under this section to be represented at interviews and examinations by an attorney or accredited representative, but not at government expense. Requires the Secretary of State and the Secretary of Homeland Security, in consultation with the Secretary of Defense, to ensure applications are completed, including screening and background checks, not later than 9 months after all required materials are submitted. Authorizes the Cabinet Secretaries referenced above to take longer than 90 days if they determine that national security requires more time and the applicant is given notice. Requires notice, in the form of a written decision that includes facts and inferences underlying the individual determination, be given to noncitizens whose petition for special immigrant status is rejected or revoked. Such noncitizens are entitled to 1 written appeal per rejection or denial, which (1) shall be submitted within 120 days of the adverse decision; (2) may request reopening; and (3) shall provide additional information, clarify existing information, or explain unfavorable information.

**Sec. 4311(g).—Eligibility for Other Immigrant Classification.** Prohibits denial of special immigrant status solely because a noncitizen is eligible for another immigrant visa.

**Sec. 4311(h).—Resettlement Support.** Entitles Syrian special immigrants to the same resettlement assistance as refugees.

**Sec. 4311(i).— Authority to Carry Out Administrative Measures.** Authorizes the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense to implement additional administrative measures as they consider necessary and appropriate.

**Sec. 4311(j).—Rulemaking.** Directs the Secretary of Homeland Security, in consultation with the Secretary of Defense, to promulgate regulations within 90 days of the date of enactment to implement this section, including requirements for background checks.

**Sec. 4311(k).—Savings Provision.** Clarifying that this section does not affect the Secretary of Homeland Security’s authority over the Iraqi or Afghan special immigrant programs.

**SEC. 4312. SPECIAL IMMIGRANT STATUS REPORTING REQUIREMENT.** Directs the Office of the Inspector General (OIG) of the State Department to submit an annual report on the implementation of the Syrian special immigrant program. Such report shall be sent to the Senate Judiciary, Foreign Relations, and Armed Services Committees, and to the House Judiciary, Foreign Relations, and Armed Services Committees. Requires the OIG to provide detailed data on petitions filed and processing times, and to consult with components in the Departments of State, Homeland Security, and Defense, in addition to NGOs providing legal aid in the special immigrant process.

**SEC. 4313. PROCESSING MECHANISMS.** Directs the Secretary of State to use the refugee processing mechanisms in Iraq and other countries in the region where noncitizens eligible for the Syrian special immigrant program may apply and interview for admission.

**SEC. 4314. DEFINITIONS.** Defines “local educational agency,” adopting the meaning of such term in section 1808 of the Elementary and Secondary School Act, and “Secretary” to mean the Secretary of Homeland Security.

## **TITLE V-EMPLOYMENT AUTHORIZATION AND PROTECTING WORKERS FROM EXPLOITATION**

### **SEC. 5101. COMMISSION ON EMPLOYMENT AUTHORIZATION.**

*Sec. 5101(a).—Establishment.* Establishes the Employment Authorization Commission (Commission) within 180 days after the date of enactment.

*Sec. 5101(b).—Composition.* Requires Commission to include:

- 6 members appointed by the President (including employer, labor, and civil rights representatives);
- 2 members appointed by the President pro tempore of the Senate, 1 recommended by the Senate Majority Leader to represent employees experiencing discrimination and the other to represent employers.
- 2 members appointed by the Speaker of the House, 1 recommended by the Majority Leader to represent employees experiencing discrimination and the other to represent employers.
- Requires that such appointments occur not less than 6 months after date of enactment. A majority of at least 6 members are to appoint a Chair and establish rules and procedures.

*Sec. 5101(c).—Duties.* Defines the Commission’s primary responsibility as making recommendations to the President, the Secretary of Homeland Security, and Congress on policies to verify eligibility of noncitizens for employment in the United States. Directs the Commission to evaluate methods for verifying eligibility and E-Verify error rates, with specific attention to employment law rights and protections against discrimination. Requires the Commission to convene at least one public hearing and prepare summaries of the hearings.

*Sec. 5101(d).—Access to Information.* Directs the Justice Department’s Immigrant and Employee Rights Section to provide information to the Commission on employee complaints, mediations, and investigations involving employment eligibility verification practices.

**Sec. 5101(e).—Report.** Directs the Commission to submit a report to the President, the Secretary of Homeland Security, and Congress within 180 days, setting forth recommendations for policies. Requires that such report recommend improvements to the I-9 form and E-Verify.

**Sec. 5101(f).—Travel Expenses.** Authorizes travel expenses for the Members of the Commission.

**Sec. 5101(g).—Administrative Support.** Directs the Secretary of Homeland Security to provide the Commission with the necessary staff and administrative services and authorizes other federal employees to be detailed to the Commission.

**Sec. 5101(h).—Comptroller General Review.** Directs the Comptroller General to review the above recommendations, determine which ones will improve employment verification systems, and assess whether such recommendations are feasible given budget constraints.

**Sec. 5102.—POWER ACT.**

**Sec. 5102(a).—Protection for Victims of Labor and Employment Violations.** Makes eligible for U visas noncitizens with information about a labor or employment violation resulting in a workplace claim, who collaborate with DHS, EEOC, DOL, or the NLRB to investigate or prosecute abusive employers, and are victims of employer abuse (including physical force, threat of retaliation, or abuse of the immigration or legal process in relation to workplace claims).

**Sec. 5102(b).—Requirements Applicable to U Visas.** Prohibits charging of fees for U visa applicants. Prohibits the Secretary of Homeland Security and the Attorney General from using information from U-visa petitions for status for removal purposes. Creates a new INA section 214(p)(7), authorizing the Secretary of Homeland Security to permit a U visa applicant or noncitizen who has witnessed or filed a bona fide workplace claim and is assisting law enforcement to remain in the U.S. and obtain employment authorization.

**Sec. 5102(c).—Adjustment of Status for Victims of Crimes.** Allows the Secretary to decline to adjust the status of a U visa holder who unreasonably refused to provide assistance regarding an investigation or prosecution into a workplace claim.

**Sec. 5102(d).—Change of Nonimmigrant Classification.** Prevents an adverse removability determination for individuals applying for a U-visa based on information furnished solely by a noncitizen's employer.

**Sec. 5102(e).—Removal Proceedings.** Modifies the requirements regarding compliance with restrictions on disclosure in cases where an enforcement action leading to removal proceedings takes place in a specified sensitive location. Adds facilities about which a workplace claim has been filed to the list of sensitive locations and requires that notices to appear issued following enforcement actions include a statement of compliance with 8 U.S.C. § 1367.

**Sec. 5102(f).—Unlawful Employment of Noncitizens.**

*New INA Sec. 274A(e)(11).— Conduct in Enforcement Actions.*

*Sec. 274A(e)(11)(A).—Enforcement Action.* Requires the Secretary, in cases where DHS undertakes an enforcement action at a facility about which a workplace claim has been filed or as a result of information provided to DHS in retaliation against employees exercising their rights, to ensure that any noncitizens arrested or detained who are necessary for the investigation or prosecution of workplace claims/violations or criminal activity are not removed from the U.S. until the Secretary (I) notifies the law enforcement agency with jurisdiction over such violations; and (II) provides such agency an opportunity to interview such noncitizens. Prohibits the removal of noncitizens who are entitled to a stay of removal or abeyance of removal proceedings.

*Sec. 274A(e)(11)(B).—Protections for Victims of Crime, Labor, and Employment Violations.*

*(e)(11)(B)(i).—Stay of Removal or Abeyance of Removal Proceedings.* Authorizes a stay of removal proceedings for a noncitizen against whom removal proceedings have been initiated who has filed a workplace claim, is a material witness in any pending or anticipated proceeding involving a bona fide workplace claim, or has applied for a U visa. Such noncitizens are entitled to employment authorization until resolution of the workplace claim or denial of their U visa petition, unless DHS establishes by a preponderance of the evidence before an IJ that such a noncitizen (I) has been convicted of a felony, or (II) filed a workplace claim in bad faith.

*(e)(11)(B)(ii).—Duration.* Provides that the stay or abeyance of removal and employment authorization shall remain valid until resolution of the workplace claim or denial of a U visa. Authorizes the Secretary to extend the duration for a period no longer than 10 additional years, upon determining that (I) such relief would enable the noncitizen to assert a workplace claim to pursue the claim to resolution; (II) would serve the deterrent goals of a statute underlying a workplace claim; or (III) such extension would further the interests of justice.

*(e)(11)(B)(iii).—Definitions.* Defines “material witness” and “workplace claim.”

**SEC. 5103.—ADDITIONAL CIVIL PENALTY.**

Adds a new INA section 274A(a)(8), which assesses additional civil penalties against employers who violate Federal, State or local labor laws (including wage and hour, labor relations, family and medical leave, occupational health and safety, civil rights, or nondiscrimination) with respect to unauthorized workers. Adds a new INA section 274A(e)(12), imposing a penalty of \$5,000 for each unauthorized noncitizen with respect to whom a violation of subsection (a)(8) occurred. Makes a conforming amendment to INA section 274A(f)(2).

#### **SEC. 5104. CONTINUED APPLICATION OF WORKFORCE AND LABOR PROTECTION REMEDIES.**

*New INA Sec. 274A(e)(10).—In General.* Provides that all rights and remedies available under Federal, State, or local labor law, including but not limited to reinstatement and back pay, are available to an employee despite (A) their status as an unauthorized noncitizen during the relevant term of employment; or (B) the employer's or employee's failure to comply with the requirements of this section or of other Federal laws relating to unlawful employment of noncitizens. Further provides that a court shall not prohibit such an employee from pursuing other causes of action giving rise to liability in a civil action.

#### **SEC. 5105. PROHIBITION ON DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.**

*Sec. 5105(a).—In General.*

*New INA Sec. 274B(a).—Prohibition on Discrimination Based on National Origin or Citizenship Status.*

*Sec. 274B(a)(1).—Prohibition on Discrimination Generally.* Defines an unfair immigration-related employment practice as discrimination against an individual due to national origin or citizenship status with respect to hiring, verification of eligibility to work in the U.S., or discharging an individual from employment.

*Sec. 274B(a)(2).—Exceptions.* Retains the current exceptions, under which (a)(1) does not apply to (A) a person, employer, or other entity with 3 or fewer employees, except an employment agency; (B) a person or entity's discrimination due to national origin if the discrimination is covered under section 703 of the Civil Rights Act of 1964; or (C) discrimination because of citizenship status which is required under Federal, State, or local law, a Federal government contract, or if the Secretary or Attorney General determines it is essential for an employer to do business with an agency or department of the Federal government or a State, local, or tribal government.

*Sec. 274B(a)(3).—Additional Exception Providing Right to Prefer Equally Qualified Citizens.* Retains the current provision providing that it is not an unfair immigration-related employment practice to prefer to hire, recruit, or refer an individual who is a U.S. citizen or national over another individual who is a noncitizen if the individuals are equally qualified.

*Sec. 274B(a)(4).—Unfair Immigration-Related Employment Practices Relating to the System.* Defines additional unfair immigration-related employment practices, including:

- (A) to use the system laid out in INA section 274A(b) (“the System”) to deny workers’ employment or post-employment benefits;
- (B) to misuse the System to discriminate on the basis of national origin or citizenship status;
- (C) to require an employee or prospective employee to use or provide results of any self-verification system as a condition of application or employment
- (D) to use an immigration status verification system, service, or method other than that described in section 274A;
- (E) to grant access to document verification or System data to any individual or entity not authorized to have such access, or to fail to take reasonable safeguards to protect against loss, use, alteration, or destruction of such data.

*Sec. 274B(a)(5).—Prohibition of Intimidation or Retaliation.* Defines additional unfair immigration-related practices to include intimidation, threats, coercion, or retaliation by a person, entity, or employment agency against any individual (A) for purposes of interfering with any right or privilege under this section; or (B) because the individual intends to file, or has filed, a charge or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

*Sec. 274B(a)(6).—Treatment of Certain Documentary Practices as Employment Practices.* Treats a person entity, or employment agency’s request, for purposes of verifying employment eligibility, for more or different documents than required under section 274A, for specific documents, or refusing to honor documents tendered that appear to be genuine as an unfair immigration-related employment practice.

*Sec. 274B(a)(7).—Prohibition of Withholding Employment Records.* Makes it an unfair immigration-related employment practice for an employer that is required under Federal, State, or local law to maintain records documenting employment to fail to provide such records to any employee to whom the records pertain, upon request by such employee.

*Sec. 274B(a)(8).—Professional, Commercial, and Business Licenses.* Prohibits denial of a professional, commercial, or business license to an individual unauthorized to be employed in the U.S. on the basis of their immigration status.

*Sec. 274B(a)(9).—Employment Agency Defined.* Defines “employment agency.”

***Sec. 5105(b).—Referral by EEOC.***

*Section 274B(b)—Referral by EEOC.* Directs EEOC to refer all matters alleging immigration-related unfair employment practices to the Special Counsel for Immigration-Related Unfair Employment Practices at DOJ.

***Sec. 5105(c).—Authorization of Appropriations.*** Appropriates \$40,000,000 for each of fiscal years 2022 through 2024 to disseminate information regarding rights and remedies under this section and under title VII relating to unfair immigration-related employment practices.

***Sec. 5105(d).—Fines.*** Increases and adjusts civil penalties for engaging in unfair immigration-related employment practices.

*New INA Sec. 274B(g)(2)(B)(iv).*—Sets (I) civil penalties of \$2,000-\$5,000 for each individual subjected to an unfair immigration-related employment practice; (II) penalties of \$4,000-\$10,000 for each individual if the employer, person or entity was previously subject to an order under this paragraph; (III) penalties of \$8,000-\$25,000 for each individual if the employer, person, or entity was subject to more than 1 order under this paragraph; and (IV) penalties of \$500-\$2,000 for each individual for unfair immigration-related employment practices described in subsection (a)(4)-(7) of section 274B. Allows all fees to be adjusted periodically for inflation.

***Sec. 5105(e).—Effective Date.*** Sets the effective date as 1 year after the date of enactment of this Act, applicable to violations occurring on or after the date of enactment.

## **SEC. 5106. FAIRNESS FOR FARMWORKERS**

***Sec. 5106(a).—In General.*** Amends section 7 of the Fair Labor Standards Act (FLSA) to provide for overtime pay (at least 1.5x regular pay) for agricultural workers, beginning January 1, 2022. Overtime pay shall be required after 55 hours in one week, beginning in 2022; 50 hours beginning in 2023; 45 hours beginning in 2024; and 40 hours beginning in 2025. The effective date of this section for employers with fewer than 25 employees is delayed by three years, to begin in 2025. Repeals subsection(7) (m), which had exempted employers of tobacco workers from the requirements of overtime pay.

***Sec. 5106(b).—Removing Certain Exemptions for Agricultural Work.*** Amends section 13 of the FLSA, which makes the minimum wage and maximum hour requirements inapplicable to employees employed in agricultural work if such employees are members of the employer’s immediate family. Repeals the portion of section 13(a)(6) that excludes certain agricultural



employees from the minimum wage and maximum hour protections. Strikes paragraphs (12) to (16) of subsection (b), which exempt employers of seamen on foreign vessels, babysitters, and criminal investigators from the maximum hours and minimum wages requirements, and subsections (h) through (j), which exempt employers of certain seasonal workers from those requirements.

**Sec. 5106(c).—Effective Dates.** Lists the effective dates of this section, which vary depending on the size of the workforce.

**Sec. 5106(d).—Conforming Edits.** Makes conforming amendments to the Fair Labor Standards Act of 1938 and the Migrant and Seasonal Agricultural Worker Protection Act.

## **SEC. 5107. PROTECTIONS FOR MIGRANT AND SEASONAL LABORERS.**

**Sec. 5107(a).—In General.**

*New MSPA Sec. 501(a).—*

*(a)(1).*—Sets criminal penalties for willfully or knowingly violating the MSPA: a maximum \$1,000 fine and/or maximum prison term of 1 year. Conviction for a subsequent violation of MSPA shall result in a maximum fine of \$10,000 and/or a maximum prison term of 3 years.

*(a)(2).*—Sets criminal penalties for knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person: fines under title 18, U.S. Code and/or a maximum prison term of 3 years;

*(a)(3).*—Sets criminal penalties for knowingly restricting or attempting to prevent or restrict, without lawful authority, a person’s liberty to move or travel, in furtherance of a violation of the MSPA: fines under title 18, U.S. Code and/or a maximum prison term of 5 years;

*(a)(4).*—Sets criminal penalties for violations of the MSPA that result in bodily injury, sexual abuse or attempts to commit sexual abuse, use, attempted use, or threatened use of a dangerous weapon, explosive, or fire: fines under title 18, U.S. Code and/or a maximum prison term of 10 years;

*(a)(5).*—Sets criminal penalties for violations of the MSPA that result in death, involve kidnapping or attempts to kidnap, aggravated sexual abuse or attempt to commit aggravated sexual abuse, or an attempt to kill: fines under title 18, U.S. Code and/or imprisonment for any term of years or for life;

*(a)(6).*—Upon conviction for any subsequent violation of the MSPA or any regulation under the MSPA, sets criminal penalties: fines under title 18 U.S. Code and/or a maximum term of imprisonment of 3 years, except to the extent a greater maximum penalty is otherwise provided for in this section.

**Sec. 5107(b).**—

*New MSPA Sec. 501(c).*—Sets criminal penalties for knowingly, and with the intent to defraud, violating specified sections of the MSPA: fines under title 18 and/or maximum 5-year term of imprisonment.

*Sec. 501(d).*—Provides that any person who attempts to obstruct, interfere with, or prevent enforcement of this section shall be subject to the same fines and penalties as prescribed for the underlying offense involved.

## **SEC. 5108. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.**

**Sec. 5108(a).**—*In General.* Directs U.S. Sentencing Commission to promulgate or amend sentencing guidelines to increase the penalties imposed on persons convicted of specified worksite offenses.

**Sec. 5108(b).**—*Requirements.* Directs U.S. Sentencing Commission to provide sentencing enhancements for persons convicted of the worksite offenses described in subsection (a) if such offenses involve: (1) confiscation of identity documents; (2) corruption, bribery, extortion, or robbery; (3) sexual abuse; (4) serious bodily injury; (5) an intent to defraud; (6) pattern of conduct involving multiple violations of law that create a risk to the health or safety of any victim or denies payments due to victims of work completed.

## **SEC. 5109. LABOR LAW ENFORCEMENT FUND.**

**Sec. 5109(a).**—*In General.* Creates a Labor Law Enforcement Account in the general fund of the Treasury. Penalties imposed under section 274A(a)(8) shall be deposited as offsetting receipts into the Account. Amounts in the Account shall be made available to the Secretary of Labor to ensure compliance with workplace laws, including through random audits of employers in industries with a history of significant employment of unauthorized workers or H-2As and H-2Bs (unskilled temporary workers).

**Sec. 5109(b).**—*Authorization of Appropriations.* Authorizes sums as necessary. Provides that sums authorized to carry out programs, projects, and activities recommended by the Commission may not be expended until 60 days after the report required by section 5101(e) is submitted and in no case until 2 years and 60 days after the date of the enactment of this Act, except that such funds may be used for minimal administrative expenses relating to convening of public hearings and preparing or providing summaries of such hearings.