

1 **TITLE II--LEGALIZATION OF UNDOCUMENTED INDIVIDUALS**

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22

1 **SUBTITLE A —LAWFUL PROSPECTIVE IMMIGRANTS**

2 **SEC. 201. LAWFUL PROSPECTIVE IMMIGRANTS.**

3 (a) **IN GENERAL.**— Notwithstanding any other provision of law, the Secretary may
4 grant an alien status as a Lawful Prospective Immigrant if the alien

5 (1) submits an application for such status; and

6 (2) meets the requirements of this section of the Comprehensive Immigration
7 Reform Act of 2013.

8 (b) **ELIGIBILITY REQUIREMENTS.**—

9 (1) **IN GENERAL.**—To be eligible for status as a Lawful Prospective Immigrant
10 an alien shall establish, by a preponderance of the evidence, the following and any other
11 applicable requirements set forth in this section—

12 (A) **INELIGIBILITY.**—The alien shall not fall within a class of aliens
13 ineligible for Lawful Prospective Immigrant status listed under paragraph (2) of
14 this subsection.

15 (B) **INADMISSIBILITY.**—Except as provided in paragraph (3) of this
16 subsection, the alien shall not be inadmissible under section 212(a) of the
17 Immigration and Nationality Act (hereinafter “the Act”). For purposes of this
18 section, an applicant for Lawful Prospective Immigrant status shall be treated as
19 an applicant for admission.

20 (C) **PHYSICAL PRESENCE.**—The alien shall—

21 (i) be physically present in the United States on the date of
22 application for status as a Lawful Prospective Immigrant;

23 (ii) have been present in the United States before the date of the
24 introduction of the Comprehensive Immigration Reform Act of 2013; and

1 (iii) have maintained continuous physical presence in the United
2 States from the date of the introduction of the Comprehensive Immigration
3 Reform Act of 2013 to the date on which the alien is granted status as a
4 Lawful Prospective Immigrant under this title.

5 (2) GROUNDS OF INELIGIBILITY.—

6 (A) IN GENERAL.—An alien is ineligible for Lawful Prospective
7 Immigrant status if the Secretary determines that the alien—

8 (i) has been convicted of—

9 "(I) any offense under Federal or State law (other than a
10 state or local offense for which an essential element was
11 immigration status or a violation of the Act or of regulations issued
12 thereunder) for which the alien served a term of imprisonment of
13 more than one year ;

14 (II) three or more offenses under Federal or State law (other
15 than a state or local offense for which an essential element was
16 immigration status or a violation of the Act or of regulations issued
17 thereunder) for which the alien was convicted on different dates for
18 each of the three offenses and served an aggregate term of
19 imprisonment of 90 days or more; or

20 (III) “any offense under foreign law, other than a purely
21 political offense, which if committed in the United States would
22 render the alien inadmissible or removable from the United States,
23 except as provided in paragraph (3) of this subsection;”

24 (ii) has been convicted of an aggravated felony, as defined in
25 section 101(a)(43) of the Act, at any time after entry to the United States;

1 (iii) is on the date of the introduction of Comprehensive
2 Immigration Reform Act of 2013—

3 (I) an alien lawfully admitted for permanent residence;

4 (I) an alien granted asylum under section 208 of the Act or
5 admitted as a refugee under section 207 of the Act;

6 (III) an alien who, according to the records of the Secretary or the
7 Secretary of State, is in a period of authorized stay in any nonimmigrant
8 status (other than an alien considered to be in a nonimmigrant status solely
9 by reason of P.L. 110-229 or section 244(f)(4) of the Act, or an alien who
10 seeks Lawful Prospective Immigrant status pursuant to subsection (d) of as
11 a spouse or child of a Lawful Prospective Immigrant), notwithstanding
12 any unauthorized employment, presence in the United States without
13 being admitted or paroled, or other violation of nonimmigrant status;

14 (IV) an alien paroled into the United States under section 212(d)(5)
15 of the Act for purposes of prosecution or of serving as a witness in
16 proceedings being, or to be, conducted by judicial, administrative, or
17 legislative bodies in the United States; or

18 (V) an alien paroled into the Commonwealth of the Northern
19 Mariana Islands who did not reside in the Commonwealth on November
20 28, 2009.

21 (3) GROUNDS OF INADMISSIBILITY.—

22 (A) IN GENERAL.—In determining an alien's admissibility under
23 paragraph (1)(B)—

24 (i) Paragraphs 5, 7, and 9(B) of section 212(a) of the Act shall not
25 apply. Paragraphs 6(A), 6(C), 6(D), and 9(C) of section 212(a) of the Act
26 shall not apply except when based on the act of unlawfully entering the

1 United States after the date of the introduction of the Comprehensive
2 Immigration Reform Act of 2013. Paragraphs (6)(B), (6)(F), (6)(G),
3 (9)(A), and (10)(B) of section 212(a) of the Act shall not apply except
4 when based on conduct occurring after the date on which the alien files an
5 application for status as a Lawful Prospective Immigrant.

6 (ii) The discretionary authority conferred by clause (iii) shall not
7 be used to waive

8 (I) subparagraphs (A), (B), (C), (D)(ii), (E), (H), or (I) (as
9 amended by this Act) of section 212(a)(2) of the Act;

10 (II) section 212(a)(3) of the Act;

11 (III) subparagraphs (A), (C), or (E) of section 212(a)(10) of
12 the Act; and

13 (IV) with respect to misrepresentations relating to the
14 application for Lawful Prospective Immigrant status, section
15 212(a)(6)(C)(i) of the Act.

16 (iii) The Secretary may in his or her discretion waive the
17 application of any provision of section 212(a) of the Act not listed in
18 clause (ii) on behalf of an individual alien for humanitarian purposes, to
19 ensure family unity, or if such waiver is otherwise in the public interest.

20 (B) CONSTRUCTION.—Nothing in this paragraph shall be construed as
21 requiring the Secretary to commence removal proceedings against an alien.

22 (4) CONTINUOUS PHYSICAL PRESENCE.—For purposes of this subsection,
23 any absence from the United States without authorization pursuant to subsection
24 (e)(1)(A)(i) of this section shall constitute a break in continuous physical presence,
25 provided that any single absence of no more than six months shall not constitute a break

1 in the alien's continuous presence if the alien's departure occurred before the date of the
2 introduction of Comprehensive Immigration Reform Act of 2013.

3 (5) APPLICABILITY OF OTHER PROVISIONS.—Section 240B(d) of the Act
4 and section 208(d)(6) of the Act shall not apply to an alien with respect to an application
5 for status under this section.

6 (c) APPLICATION PROCEDURES.—

7 (1) FILING OF APPLICATION.—

8 (A) IN GENERAL.—In accordance with the rulemaking procedures
9 described in section 208 of this title—

10 (i) the Secretary of Homeland Security shall prescribe by interim
11 final rule published in the Federal Register—

12 (I) the procedures for an alien in the United States to apply
13 for status as a Lawful Prospective Immigrant;

14 (II) the procedures for an alien granted Lawful Prospective
15 Immigrant status to subsequently file a petition in the United States
16 for a spouse or child to be classified as a Lawful Prospective
17 Immigrant; and

18 (III) the evidence required to demonstrate eligibility for
19 such status, or otherwise required as part of the application,
20 including, but not limited to, information about the alien's spouse
21 or children.

22 (B) RECEIPT OF APPLICATIONS.—The Secretary of Homeland
23 Security shall accept applications from aliens in the United States for Lawful
24 Prospective Immigrant status only for a period of time the Secretary of Homeland
25 Security establishes through the rulemaking described in section 208 of this title,
26 except that there shall be no time limit for the filing of petitions for spouses and

1 children pursuant to subsection (d) or for applications for Lawful Prospective
2 Immigrant Status for the beneficiaries of such petitions. If, during the initial
3 period for the receipt of applications for Lawful Prospective Immigrant status, the
4 Secretary of Homeland Security determines that additional time is required to
5 process applications for such status or for other good cause, the Secretary may in
6 his or her discretion extend the period for accepting applications in increments of
7 not greater than 12-months.

8 (C) APPLICATION BY ALIENS APPREHENDED BEFORE START
9 OF APPLICATION PERIOD.—If an alien is apprehended between the date of
10 enactment of this Act and the date on which the period for application under
11 subparagraph (B) of this paragraph closes, and the alien can establish prima facie
12 eligibility for status as a Lawful Prospective Immigrant under this section, the
13 Secretary shall provide the alien with a reasonable opportunity to file an
14 application under this section after regulations implementing this section are
15 promulgated. The Secretary may determine whether an alien has established
16 prima facie eligibility for purposes of this subparagraph.

17 (D) APPLICATION BY ALIENS IN REMOVAL PROCEEDINGS.—
18 Notwithstanding any provision of the Act—

19 (i) if the Secretary determines that an alien, between the date of
20 enactment of this Act and the date on which the period for application
21 under subparagraph (B) of this paragraph closes, is in removal,
22 deportation, or exclusion proceedings before the Executive Office for
23 Immigration Review and is prima facie eligible for Lawful Prospective
24 Immigrant status under this section, the alien shall have the opportunity to
25 file an application under this section after regulations implementing this
26 section are promulgated. If the alien files an application and can establish
27 prima facie eligibility for status as a Lawful Prospective Immigrant under
28 this section, the Executive Office for Immigration Review, upon motion

1 by the Secretary, and with the consent of the alien or upon motion by the
2 alien, shall terminate such proceedings without prejudice to future
3 proceedings on any basis and permit the alien a reasonable opportunity to
4 apply for such status;

5 (ii) if the Executive Office for Immigration Review determines that
6 an alien, between the date of enactment of this Act and the date on which
7 the period for application under subparagraph (B) of this paragraph closes,
8 is in removal, deportation, or exclusion proceedings before the Executive
9 Office for Immigration Review and is prima facie eligible for Lawful
10 Prospective Immigrant status, the Executive Office of Immigration
11 Review shall notify the Secretary. Upon a determination that the alien is
12 prima facie eligible for Lawful Prospective Immigrant status and that the
13 alien intends to apply for such status, after notice to the Secretary and with
14 the consent of the alien, the Executive Office for Immigration Review
15 shall terminate such proceedings without prejudice to future proceedings
16 on any basis and permit the alien a reasonable opportunity to apply for
17 such status.

18 (E) APPLICATION BY ALIENS WITH CERTAIN ORDERS.—

19 (i) IN GENERAL.—An alien who is present in the United States
20 and has been ordered excluded, deported, or removed, or ordered to depart
21 voluntarily from the United States under any provision of the Act,
22 including an alien who is present in the United States after having been
23 excluded, deported, or removed or after having voluntarily departed from
24 the United States under any provision of the Act —

25 (I) notwithstanding such order or section 241(a)(5) of the
26 Act, may apply for Lawful Prospective Immigrant status under this
27 title, provided all other conditions set forth in this section are met;
28 and

1 (II) shall not be required to file a separate motion to reopen,
2 reconsider, or vacate the exclusion, deportation, removal, or
3 voluntary departure order.

4 (ii) APPLICATION GRANTED.—If the Secretary grants the
5 application described in subparagraph (A) of this paragraph, the order
6 described in clause (i) shall be rendered null and void by operation of law.

7 (iii) APPLICATION DENIED.—If the Secretary renders a final
8 administrative decision to deny the application described in subparagraph
9 (A) of this paragraph, the order described in clause (i) of this subparagraph
10 shall be effective and enforceable to the same extent as if the application
11 had not been made, unless and until such order is reversed or vacated by a
12 court pursuant to section 203(b) of this title.

13 (2) APPLICATION FORM.—

14 (A) IN GENERAL.—The Secretary shall create an application form that
15 an alien shall be required to complete in order to apply for Lawful Prospective
16 Immigrant status and an application form that a Lawful Prospective Immigrant
17 shall be required to complete in order to petition for a spouse or child to be
18 classified as a Lawful Prospective Immigrant. The petition may be filed only
19 while the spouse or child is either outside the United States or present in the
20 United States in lawful status.

21 (B) LANGUAGE AND ASSISTANCE.—The Secretary shall make
22 available forms and accompanying instructions in the most common languages
23 spoken by persons in the United States, as determined by the Secretary in the
24 Secretary's discretion. The Secretary shall create a plan for providing reasonable
25 accommodation to individuals with disabilities consistent with applicable law.

26 (C) APPLICATION INFORMATION.—The application form shall
27 request such information as the Secretary deems necessary and appropriate. The

1 application, and all information submitted as part of the application process, shall
2 be submitted in English.

3 (3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

4 (A) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The
5 Secretary may not accord status as a Lawful Prospective Immigrant to an alien in
6 the United States unless that alien submits biometric and biographic data in
7 accordance with procedures established by the Secretary. The Secretary shall
8 provide an alternative procedure for applicants who cannot provide the standard
9 biometric data because of a physical impairment.

10 (B) BACKGROUND CHECKS.—The Secretary shall utilize biometric,
11 biographic, and other data that the Secretary deems appropriate to conduct
12 national security and law enforcement background checks and to determine
13 whether there exist any criminal, national security, or other factors that would
14 render an alien in the United States ineligible for status under this section. Such
15 national security and law enforcement background checks must be completed to
16 the satisfaction of the Secretary before status as a Lawful Prospective Immigrant
17 may be granted.

18 (4) FEES AND PENALTIES.—

19 (A) PROCESSING FEES.—

20 (i) IN GENERAL.—Aliens in the United States over the age of 14
21 making an application for status as a Lawful Prospective Immigrant, an
22 application for extension of such status, or a petition for classification of a
23 spouse or child as a Lawful Prospective Immigrant, shall be required to
24 pay a processing fee to the Department of Homeland Security.

25 (ii) AMOUNT.—The amount of such processing fee shall be set
26 by regulation at a level sufficient to recover the full cost of processing the
27 application. Such fee shall also be set at a level that will recover any

1 additional costs associated with applications under this section which shall
2 be sufficient to recover the full cost of adjudicating the application,
3 including the cost of taking and processing biometrics, performing
4 national security and criminal checks, including adjudication; the cost of
5 expenses relating to prevention and investigation of fraud; and the costs
6 related to the administration of the fee collected.

7 (B) SECRETARY AUTHORITY TO LIMIT FEES. –

8 The Secretary shall have the sole and unreviewable discretion to provide,
9 through the rulemaking described in section 208 of this title, a maximum
10 processing fee payable under this paragraph by a family (spouses and
11 unmarried children under 21 years of age) and a fee exemption based on
12 eligibility criteria he or she establishes.

13 (C) PENALTIES.—An alien 21 years of age or older filing an initial
14 application for the first extension of the initial period of Lawful
15 Prospective Immigrant status shall be required to pay a penalty of \$250 in
16 addition to the processing fee in subparagraph (A) of this paragraph.

17 (D) DEPOSIT AND SPENDING OF FEES.— The processing fee
18 described in subparagraph (A) of this paragraph shall be deposited as an offsetting
19 collection in the appropriate account of the Department of Homeland Security
20 and shall remain available until expended.

21 (E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—The
22 penalty described in subparagraph (C) of this paragraph shall initially be
23 deposited and remain available as provided by section 201(c)(5) of this title.

24 (5) Immigration Reform Penalty Account.—

25 (A) In General.— There is established in the Treasury a separate account,
26 which shall be known as the “Immigration Reform Penalty Account”.

27 Notwithstanding any other section of the Comprehensive Immigration Reform

1 Act of 2013, there shall be deposited into the account all civil penalties collected
2 pursuant to section 201(c)(4)(C) and section 202(c)(4)(B) of this Act.

3 (B) Use of Funds.—Funds deposited into the Immigration Reform Penalty
4 Account shall remain available to the Secretary of Homeland Security until
5 expended solely for the following purposes and in the following manner:

6 (i) for deposit into the general fund of the Treasury as repayment of funds
7 transferred into the Department of Homeland Security Legalization Program
8 Account under subsection (a)(2) of this section and the Department of State
9 Immigration Reform Implementation Account under subsection (b)(2) of this
10 section;

11 (ii) after the amounts needed to reimburse the Treasury under
12 subparagraph (A) of this paragraph have been deposited into the general fund of
13 the Treasury, as follows—

14 (I) one third to the Secretary of Homeland Security to carry out
15 investigation and prevention of fraud in

16 (aa) the lawful prospective immigration and adjustment of status
17 programs established under title II of this Act; and

18 (bb) the employment verification programs established
19 under title I of this Act;

20 (II) one third to the Secretary of Homeland Security for immigrant
21 integration programs, including English-language and U.S. civics
22 instruction, and the grant program established pursuant to section 215 of
23 this title; and

24 (III) one third to the Secretary of Homeland Security, to be spent
25 as follows—

26 (aa) one half to carry out immigration services; and

1 (bb) one half to carry out immigration enforcement.

2 (B) Construction.—Nothing in this section shall be construed to modify or
3 limit any authority to collect and use immigration fees as provided by this Act,
4 section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) or any other
5 law.

6 (6) INTERVIEW.—The Secretary may, in his or her discretion, interview an
7 applicant for Lawful Prospective Immigrant status to determine eligibility for such status.

8 (7) DENIAL OF APPLICATION FILED BY ALIEN.—

9 (A) An alien who fails to satisfy the eligibility requirements for
10 status as a Lawful Prospective Immigrant, or extension of such status,
11 shall have his or her application for such status or extension denied, and
12 any subsequent applications filed by the alien for Lawful Prospective
13 Immigrant status shall be denied.

14 (B) The Secretary shall deny the application of an alien who fails
15 to submit requested initial evidence, including requested biometric data, or
16 any requested additional evidence by the date required by the Secretary.

17 (C) An alien whose application for status under this section was
18 denied under clause (B) of this subparagraph or, upon a showing of
19 changed circumstances or previously unavailable evidence, clause (A) of
20 this paragraph is not precluded from filing a new application, including the
21 payment of all required fees and penalties, provided that the new
22 application is filed within the period allowed under paragraph (1)(B) of
23 this subsection.

24 (8) EVIDENCE OF LAWFUL PROSPECTIVE IMMIGRANT STATUS.—

1 (A) IN GENERAL.—Documentary evidence of status as a Lawful
2 Prospective Immigrant, or of an extension of such status, shall be issued to each
3 alien whose application for such status has been approved.

4 (B) FEATURES OF DOCUMENTATION.—Documentary evidence of
5 status as a Lawful Prospective Immigrant—

6 (i) shall be machine-readable and tamper-resistant, and shall
7 contain a digitized photograph;

8 (ii) shall, during the alien's authorized period of admission under
9 subsection (e)(3) of this section and any extension of such authorized
10 period of admission under subsection (e)(4) of this section, serve as a valid
11 travel and entry document for the purpose of applying for admission to the
12 United States;

13 (iii) may be accepted during the period of its validity by an
14 employer as evidence of employment authorization and identity under
15 section 274A(b)(1)(B) of the Act;

16 (iv) shall be issued to a Lawful Prospective Immigrant by the
17 Secretary of Homeland Security after admission as a Lawful Prospective
18 Immigrant; and

19 (v) shall include such other features and information as the
20 Secretary determines.

21 (C) An alien admitted to the U.S. as a Lawful Prospective Immigrant,
22 pursuant to issuance of an LPI visa may use his or her valid passport, visa, and
23 admission stamp as evidence of his or her status until such status expires or is
24 revoked.

25 (9) DACA RECIPIENTS.— In the case of applicants for Lawful Prospective
26 Immigrant status who have already been granted Deferred Action for Childhood Arrivals

1 (DACA) pursuant to the Secretary’s memorandum of June 15, 2012, the Secretary may
2 adopt procedural efficiencies that avoid the need to re-adjudicate any eligibility
3 requirements for Lawful Prospective Immigrant status that have already been determined
4 to have been satisfied during the DACA adjudication and that the Secretary has found not
5 to have been affected by intervening events.

6 (10) PRE-APPLICATION REGISTRATION.—

7 (A) IN GENERAL.— The Secretary may, in his or her discretion, permit
8 pre-application registration by prospective applicants for Lawful Prospective
9 Immigrant status before the period during which applications may be accepted
10 under this subsection in order to improve the efficient processing of applications
11 during such period. If the Secretary elects to permit such pre-application
12 registration, the Secretary shall also have the discretion to authorize, under such
13 conditions as the Secretary in his or her discretion shall prescribe, the
14 employment of the registrant starting at such time on or after such registration as
15 the Secretary in his or her discretion shall specify.

16 (B) BACKGROUND CHECKS. – The Secretary may to the extent he or
17 she deems appropriate perform the security and background checks described in
18 paragraph (3)(B) on prospective applicants participating in pre-application
19 registration.

20 (C) REGULATIONS.—The requirements of chapter 5 of title 5, United
21 States Code (commonly referred to as the Administrative Procedure Act) or any
22 other law relating to rulemaking, information collection or publication in the
23 Federal Register, shall not apply to any action to implement pre-application
24 registration.

25 (D) FEES.—The Secretary may collect a processing fee from an
26 individual participating in the pre-application registration program. Such fee
27 may be set at a level sufficient to recover all costs of the pre-application
28 registration program, and shall be deposited and used as provided in section

1 286(m) and (n) of the Immigration and Nationality Act (8 U.S.C. § 1356(m) and
2 (n)). The Secretary may reduce the amount of any processing fee otherwise
3 payable for an application for Lawful Prospective Immigrant status filed by an
4 individual who has paid any processing fee for the pre-application registration
5 program by the amount of any reduction in the cost of application processing
6 attributable to participation in the pre-application registration program.

7 (E) CONFIDENTIALITY.—The provisions of section 204 of this title
8 shall apply to any information furnished to the Secretary for purposes of pre-
9 application registration.

10 (d) SPOUSES AND CHILDREN OF LAWFUL PROSPECTIVE IMMIGRANTS.—

11 (1) IN GENERAL.—The Secretary of Homeland Security may approve a petition
12 to classify an alien as a Lawful Prospective Immigrant, and such alien may then apply for
13 an LPI visa under paragraph (2), or a change to Lawful Prospective Immigrant Status
14 under paragraph 6, if—

15 (A) the alien is the spouse, as defined in section 101(a)(35) of the Act, of
16 a Lawful Prospective Immigrant, or is the child, as defined in section 101(b)(1) of
17 the Act, of a Lawful Prospective Immigrant;

18 (B) the spouse or child meets the eligibility requirements under subsection
19 (b) (other than the physical presence requirements under subsection (b)(1)(C) and
20 the requirements in subsection (b)(2)(A)(iii)(III)), except that section 212(a)(7) of
21 the Act shall apply; and

22 (C) the Lawful Prospective Immigrant files a petition in the United States
23 for status as a Lawful Prospective Immigrant on behalf of the spouse or child.

24 (2) CREATION OF LPI VISAS FOR SPOUSES AND CHILDREN OF LPIs.

25 Section 221(a)(1) of the Act is amended by deleting the word “and” before subparagraph
26 (B), and by inserting, before the period at the end of subparagraph (B), “; and (C) an LPI
27 visa to an alien who meets all the requirements for Lawful Prospective Immigrant status

1 under section 201(d) of the Comprehensive Immigration Act of 2013 and who has made
2 proper application therefor. Such LPI visa shall specify the period during which it is
3 valid and such additional information as the Secretary of State shall provide.”

4 (3) APPLICATION PROCEDURE FOR AN LPI VISA— The Secretary of State
5 shall prescribe, by interim final rule published in the Federal Register, the procedures for
6 an alien overseas to apply for an LPI visa under this subsection. Notwithstanding any
7 other provision of law, a consular officer may collect biometric and biographic data from,
8 conduct national security and law enforcement background checks on, and interview
9 applicants for visas under that section.

10 (4) APPLICATION FORM FOR AN LPI VISA – The Secretary of State shall
11 create an application form that an alien overseas who is the beneficiary of an approved
12 petition for status as a Lawful Prospective Immigrant shall be required to complete in
13 order to apply for an LPI visa under this subsection.

14 (5) NO CREATION OF PRIVATE RIGHT OF ACTION.—Nothing in the
15 Comprehensive Immigration Reform Act of 2013 shall be construed to create or
16 authorize a private right of action to challenge a decision of a consular officer to grant or
17 deny an LPI visa under this subsection.

18 (6) RULES TO CHANGE STATUS. – The Secretary of Homeland Security shall
19 prescribe, by interim final rule published in the Federal Register, the procedures for an
20 alien who is present in the United States in lawful status, and who is the beneficiary of an
21 approved petition for classification as a Lawful Prospective Immigrant, to change status
22 to that of Lawful Prospective Immigrant.

23 (7) FEES. – (a) Notwithstanding any other provision of law, the Secretary of
24 State is authorized to charge a fee for processing applications for LPI visas under this
25 subsection, including but not limited to biometric and biographic data, national security
26 and law enforcement background checks, fraud prevention, and other necessary checks.
27 Fees collected under the authority of this paragraph shall be deposited as an offsetting

1 collection to any Department of State appropriation, to recover the costs of providing
2 consular services. Such fees shall remain available for obligation until expended.

3 (b) Notwithstanding any other provision of law, the Secretary of Homeland
4 Security is authorized to charge a fee for processing applications for change to Lawful
5 Prospective Immigrant status under paragraph (6), including for biometric and biographic
6 data, national security and law enforcement background checks, fraud prevention, and
7 other necessary checks. Fees collected under the authority of this paragraph shall be
8 deposited as an offsetting collection to any Department of Homeland Security, to recover
9 the costs of processing such applications. Such fees shall remain available for obligation
10 until expended.

11 (8) REVOCATION OR DENIAL OF STATUS.—A petition for classification as
12 a Lawful Prospective Immigrant filed on behalf of a spouse or child described in
13 paragraph (1) of this subsection shall be denied, or an approved petition for classification
14 as a Lawful Prospective Immigrant for such spouse or child shall be revoked, if the alien
15 who filed the petition on behalf of the spouse or child was not eligible for Lawful
16 Prospective Immigrant status at the time the alien filed an application under section
17 201(a) of this title or the Lawful Prospective Immigrant status of such alien has been
18 revoked. An approved petition for classification as a Lawful Prospective Immigrant for
19 such spouse or child shall be revoked, and any visa granted to such spouse or child shall
20 be revoked if, before such spouse or child has been admitted to the United States as a
21 Lawful Prospective Immigrant, the Secretary determines that the alien who filed the
22 petition on behalf of the spouse or child was not eligible for Lawful Prospective
23 Immigrant status at the time the alien filed an application under section 201(a) of this title
24 or the Lawful Prospective Immigrant status of such alien has been revoked.

25 (e) TERMS AND CONDITIONS OF LAWFUL PROSPECTIVE IMMIGRANT
26 STATUS.—

27 (1) BENEFITS PENDING ADJUDICATION OF APPLICATION.—

1 (A) IN GENERAL.—Until a final decision on the application for Lawful
2 Prospective Immigrant status, an alien in the United States who files an
3 application under this section for Lawful Prospective Immigrant status—

4 (i) may in the Secretary's discretion receive advance parole to re-
5 enter the United States, but only when urgent humanitarian circumstances
6 compel such travel;

7 (ii) shall not be considered “unlawfully present in the United
8 States” for purposes of section 212(a)(9) of the Act; and

9 (iii) may not be detained by the Secretary or removed from the
10 United States, unless the Secretary determines in his or her discretion that
11 such alien is or has become ineligible for Lawful Prospective Immigrant
12 status under section (b)(1).

13 (B) EVIDENCE OF APPLICATION FILING.— A document shall be
14 issued by the Secretary showing receipt of an application for Lawful Prospective
15 Immigrant status.

16 (C) CONTINUING EMPLOYMENT.—An employer who knows that an
17 alien employee is an applicant for Lawful Prospective Immigrant status is not in
18 violation of section 274A(a)(2) of the Act if the employer employs or continues to
19 employ the alien pending adjudication of the application.

20 (D) APPLICABILITY OF OTHER PROVISIONS.—Section 101(g) of
21 the Act shall not apply to an alien granted advance permission under
22 subparagraph (A)(ii) of this paragraph to re-enter the United States.

23 (2) BENEFITS OF LAWFUL PROSPECTIVE IMMIGRANT STATUS.—

24 (A) EMPLOYMENT.—Notwithstanding any other provision of law,
25 including section 241(a)(7) of the Act, Lawful Prospective Immigrants shall be

1 granted employment authorization incident to their Lawful Prospective Immigrant
2 status.

3 (B) TRAVEL OUTSIDE THE UNITED STATES.—

4 (i) IN GENERAL.—A Lawful Prospective Immigrant may travel
5 outside of the United States and may be admitted (if otherwise admissible)
6 upon return to the United States without having to obtain a visa if—

7 (I) the alien is the bearer of valid, unexpired documentary
8 evidence of Lawful Prospective Immigrant status that satisfies the
9 conditions set forth in subsection (c)(8) of this section, or a travel
10 document duly approved by the Secretary of Homeland Security to
11 be issued to a Lawful Prospective Immigrant whose original
12 documentary evidence has been lost, stolen, or destroyed;

13 (II) the alien’s absence from the United States was not for a
14 period exceeding six months; and

15 (III) the alien is not subject to the bars on extension
16 described in paragraph (4)(C) of this subsection.

17 (ii) CERTAIN RETURNING LPIs.—Section 101(a)(27)(A) of the
18 Act is amended to add “or as a Lawful Prospective Immigrant” after
19 “lawfully admitted for permanent residence,”

20 (iii) ADMISSIBILITY.—On seeking readmission to the United
21 States after travel outside the United States, a Lawful Prospective
22 Immigrant shall establish that he or she is not inadmissible in accordance
23 with section 235 of the Act, except as provided by subsection (b)(3) of this
24 section.

25 (iv) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—
26 Time spent outside the United States under clause (i) of this subparagraph

1 shall not extend the most recent period of authorized admission in the
2 United States under paragraph (3) of this subsection.

3 (C) PROTECTION FROM DETENTION OR REMOVAL.—A Lawful
4 Prospective Immigrant may not be detained by the Secretary or removed from the
5 United States.

6 (i) Subparagraph (C) shall not apply if the Secretary determines in
7 his or her discretion that such alien—

8 (I) is or has become ineligible for Lawful Prospective
9 Immigrant status under subsection (b)(1) of this section; or

10 (II) no longer has Lawful Prospective Immigrant status
11 because it has been revoked under paragraph (6) of this subsection;

12 (ii) Nothing in this section shall prevent the Secretary from detaining a
13 Lawful Prospective Immigrant on the basis of probable cause that the alien is a
14 person described in clause (i) of this subparagraph. Thereafter, detention is
15 authorized in accordance with the provisions of the Act governing the removal
16 process.

17 (D) ADMISSION.—An alien granted status as a Lawful Prospective
18 Immigrant shall be considered to have been admitted in Lawful Prospective
19 Immigrant status as of the date of approval of the alien’s application or (in the
20 case of an alien outside the United States described in subsection (d)) on the date
21 such alien is admitted to the United States, whichever is later. An alien in Lawful
22 Prospective Immigrant status is lawfully admitted, but is not a nonimmigrant or
23 an alien who has been lawfully admitted for permanent residence.

24 (3) INITIAL PERIOD OF AUTHORIZED ADMISSION.— Except as provided
25 under paragraph (4) of this subsection, the initial period of authorized admission for a
26 Lawful Prospective Immigrant shall be 4 years from the date on which an individual is
27 granted Lawful Prospective Immigrant status.

1 (4) EXTENSION.—

2 (A) IN GENERAL.—The Secretary may extend a Lawful Prospective
3 Immigrant’s period of lawful admission beyond the initial period described in
4 paragraph (3) of this subsection only where the Lawful Prospective Immigrant has
5 filed, in the United States, a timely application for extension.

6 (B) ELIGIBILITY.— In order to be eligible for an extension of the period
7 of authorized admission under this paragraph, an alien must demonstrate
8 continuing eligibility for status as a Lawful Prospective Immigrant and must not
9 be subject to the bar to extension in subparagraph (C) of this paragraph.

10 (C) BAR TO EXTENSION.—A Lawful Prospective Immigrant shall not
11 be eligible to extend such status if it has been revoked.

12 (D) SECURITY AND LAW ENFORCEMENT BACKGROUND
13 CHECKS.—An alien applying for extension of status as a Lawful Prospective
14 Immigrant shall be required to submit to renewed national security and law
15 enforcement background checks that shall be completed to the satisfaction of the
16 Secretary of Homeland Security before such extension may be granted.

17 (E) DENIAL OF APPLICATION FOR EXTENSION.—A denial of an
18 application for extension of status as a Lawful Prospective Immigrant shall be
19 considered a revocation of such status for purposes of this title.



20 (5) REGISTRATION REQUIREMENT.—Part VII of the Act (relating to
21 registration of aliens) shall apply to Lawful Prospective Immigrants, except that the
22 Secretary may in his or her discretion excuse noncompliance with the requirement under
23 section 265 of the Act to file notice of change of address. An alien whose failure to
24 timely file such notice of an address change has been excused by the Secretary shall not
25 be subject to the penalty under section 266(b) of the Act for that failure.

26 (6) REVOCATION.—

1 (A) IN GENERAL.—At any time after an alien has been granted Lawful
2 Prospective Immigrant status but has not yet adjusted from such status to that of
3 an alien lawfully admitted for permanent residence under section 202 of this title,
4 the Secretary may revoke the alien's status following appropriate notice to the
5 alien and exhaustion or waiver of all applicable administrative review procedures
6 under section 203 of this title, if—

7 (i) the alien is or has become ineligible for such status under
8 subsection (b)(1) of this section;

9 (ii) the alien is the subject of an order of removal, deportation, or
10 exclusion that became administratively final after the granting of Lawful
11 Prospective Immigrant;

12 (iii) the alien knowingly used documentation issued under this
13 section for unlawful or fraudulent purposes; or

14 (iv) the alien is or was absent from the United States without
15 complying with the requirements of subsection (e)(2)(B) since the grant of
16 Lawful Prospective Immigrant status.

17 (B) ADDITIONAL EVIDENCE.—In considering revocation, the
18 Secretary may require the alien to submit additional evidence or to appear for an
19 interview. A failure to comply with such requirements will result in revocation
20 unless the Secretary in his or her sole and unreviewable discretion waives such
21 failure.

22 (C) INVALIDATION OF DOCUMENTATION.—Any documentation
23 that is issued by the Secretary of Homeland Security under subsection (c)(8) of
24 this section to any alien shall automatically be rendered invalid for any purpose
25 except departure, if the alien's status as a Lawful Prospective Immigrant is
26 revoked under subparagraph (A) of this paragraph.

27 (7) CONSTRUCTION.—Nothing in this Act shall be construed to—

1 (A) require the Secretary to revoke status as a Lawful Prospective
2 Immigrant before commencing removal proceedings with respect to an alien
3 described in subsection (a) of this section who has been granted such status, or in
4 any way prohibit the initiation of such proceedings against a Lawful Prospective
5 Immigrant where such proceedings are authorized under this Act; or

6 (B) authorize the Attorney General to adjudicate or grant any application
7 for status as a Lawful Prospective Immigrant, to receive or consider an appeal
8 from a denial or revocation of Lawful Prospective Immigrant status, or to adjust
9 the status of any Lawful Prospective Immigrant to an alien lawfully admitted for
10 permanent residence under section 202 of this Act, unless the Secretary has
11 delegated such authority to the Attorney General in appropriate cases pursuant to
12 section 103(a)(6) of the Act.

13 (f) DISSEMINATION OF INFORMATION ON LAWFUL PROSPECTIVE
14 IMMIGRANT PROGRAM.—After the enactment of this Act, the Secretary, in cooperation with
15 entities approved by the Secretary, and in accordance with a plan adopted by the Secretary in the
16 Secretary’s discretion, shall broadly disseminate information regarding Lawful Prospective
17 Immigrant status, the rights and benefits that flow from such status, and the requirements to be
18 satisfied to obtain this status..

19 (g) SECRETARY’S DISCRETION.— Notwithstanding any other provision of this
20 Subtitle, the Secretary may deny an application for status as a Lawful Prospective Immigrant
21 under this section for any valid reason, in the Secretary’s sole and unreviewable discretion.

22 (h) TREATMENT OF LAWFUL PROSPECTIVE IMMIGRANTS FOR CERTAIN
23 PURPOSES.

24 (a) IN GENERAL.— An individual granted Lawful Prospective Immigrant status under
25 this title shall, while such individual remains in such status, be considered lawfully present for all
26 purposes except—

1 (1) section 36B of the Internal Revenue Code of 1986 (concerning premium tax credits),
2 as added by section 1401 of the Patient Protection and Affordable Care Act (Public Law 111–
3 148); and

4 (2) section 1402 of the Patient Protection and Affordable Care Act (concerning reduced
5 cost sharing; 42 U.S.C. 18071).

6 **SEC. 202. ADJUSTMENT OF STATUS FOR LAWFUL PROSPECTIVE IMMIGRANTS.**

7 (a) IN GENERAL.—Notwithstanding any other provision of law, including section
8 244(h) of the Act, the Secretary may adjust the status of a Lawful Prospective Immigrant to that
9 of an alien lawfully admitted for permanent residence if the Lawful Prospective Immigrant
10 satisfies the eligibility requirements under this section.

11 (b) ELIGIBILITY REQUIREMENTS.—

12 (1) LAWFUL PROSPECTIVE IMMIGRANT STATUS.—

13 (A) IN GENERAL.—The alien must have been granted Lawful
14 Prospective Immigrant status and must continue to satisfy the eligibility
15 requirements for such status under section 201(b) of this title

16 (B) MAINTENANCE OF WAIVERS OF ADMISSIBILITY.—

17 (i) IN GENERAL.—The grounds of inadmissibility under section
18 212(a) of the Act that are made inapplicable or previously waived for the
19 alien under section 201(b)(3) of this title shall also be considered
20 inapplicable for purposes of the alien’s adjustment pursuant to this section.

21 (ii) EXCEPTION FOR POST-FILING CONDUCT.—No waiver
22 previously granted shall apply to any inadmissibility under section
23 201(b)(1)(B) of this title arising out of conduct occurring after the date on
24 which the application for Lawful Prospective Immigrant status was filed.

1 (C) PENDING REVOCATION PROCEEDINGS.—If the Secretary has
2 sent the applicant a notice of intent to revoke the applicant’s Lawful Prospective
3 Immigrant status under section 201(e)(6)(A)(i) of this title, an application for
4 adjustment under this section may not be approved until the Secretary has made a
5 final determination on whether to revoke the applicant’s status.

6 (2) BASIC CITIZENSHIP SKILLS.—

7 (A) IN GENERAL.—Except as provided under subparagraph (C) of this
8 paragraph, a Lawful Prospective Immigrant who is 14 years of age or older shall
9 establish that he or she—

10 (i) meets the requirements under section 312 of the Act; or

11 (ii) is satisfactorily pursuing a course of study, pursuant to
12 standards established by the Secretary of Education, in consultation with
13 the Secretary of Homeland Security, to achieve such an understanding of
14 English and knowledge and understanding of the history and Government
15 of the United States.

16 (B) RELATION TO NATURALIZATION EXAMINATION.—A Lawful
17 Prospective Immigrant who demonstrates that he or she meets the requirements
18 under section 312 of the Act may be considered to have satisfied the requirements
19 of that section for purposes of becoming naturalized as a citizen of the United
20 States under title III of the Act.

21 (C) EXCEPTIONS.—

22 (i) MANDATORY.—Subparagraph (A) of this paragraph shall not
23 apply to any person who is unable to comply with those requirements
24 because of a physical or developmental disability or mental impairment as
25 described in section 312(b)(1) of the Act.

1 (ii) DISCRETIONARY.—The Secretary may waive all or part of
2 subparagraph (A) of this paragraph for a Lawful Prospective Immigrant
3 who is at least 65 years of age on the date on which an application is filed
4 for adjustment of status under this section.

5 (3) PAYMENT OF TAXES.—

6 (A) IN GENERAL.—Not later than the date on which the application for
7 adjustment of status under this section is filed, the applicant shall satisfy any applicable
8 Federal tax liability.

9 (B) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of
10 subparagraph (A) of this paragraph, the term “applicable Federal tax liability” means
11 federal income taxes owed for the period following the adjustment of status referenced in
12 Section 201(a) as well as any other assessed federal tax liability . The applicant may
13 demonstrate compliance with the requirement under this paragraph by submitting
14 documentation, in accordance with regulations promulgated by the Secretary in
15 consultation with the Secretary of the Treasury.

16 (4) CONTINUOUS PHYSICAL PRESENCE.—The alien shall establish that the
17 alien did not have a single absence from the United States of more than six months during
18 the period of admission as a Lawful Prospective Immigrant, except as provided by
19 section 201(e)(2)(B)(ii) of this Act .

20 (5) MILITARY SELECTIVE SERVICE.—The alien shall establish that the alien
21 has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if
22 the alien is subject to such registration under that Act.

23 (c) APPLICATION PROCEDURES.—

24 (1) IN GENERAL.—In accordance with the procedures described in section 208
25 of this title, the Secretary of Homeland Security shall prescribe by regulation the

1 procedures for an alien in the United States to apply for adjustment of status under this
2 section and the evidence required to demonstrate eligibility for such adjustment.

3 (2) FILING OF APPLICATIONS BY LAWFUL PROSPECTIVE
4 IMMIGRANTS.—

5 (A) BACK OF THE LINE.—An alien may not adjust status to that of an
6 alien lawfully admitted for permanent residence under this section until the earlier
7 of—

8 (i) 30 days after an immigrant visa has become available for all
9 approved petitions filed under sections 201 and 203 of this title that were
10 filed before the date of enactment of this Act; or

11 (ii) 8 years after the date of enactment of this Act.

12 (B) ACCEPTANCE OF APPLICATIONS.—No application to adjust
13 status under section 202(c)(2)(A) may be filed before the date that is 6 years after
14 the initial grant of Lawful Prospective Immigrant status, regardless of whether
15 such date is after the date on which, pursuant to subparagraph (A) of this
16 paragraph, an alien may adjust status under this section.

17 (3) SPECIAL RULE FOR CHILD ENTRANTS

18 (A) Notwithstanding section 202(c)(2), the Secretary shall adjust the status
19 of a Lawful Prospective Immigrant described in this paragraph (who had not yet
20 reached the age of 35 on the date of the enactment of this Act) to that of an alien
21 lawfully admitted for permanent residence if the Secretary determines that the
22 alien:

23 (i) had not yet reached the age of 16 years at the time of initial
24 entry;

25 (ii) at the time of application to LPI status had —

1 (I) been enrolled in or graduated from an institution of
2 higher education in the United States, or

3 (II) had earned a high school diploma or obtained a general
4 education development certificate in the United States; and

5 (iii) at the time of applying to adjust status to that of an alien
6 lawfully admitted for permanent residence, had –

7 (I) acquired a degree from an institution of higher
8 education in the United States or completed at least 2 years, in
9 good standing, in a program for a bachelor's degree or higher
10 degree in the United States; or

11 (II) served in the uniformed services for at least 2 years
12 and, if discharged, has received an honorable discharge.

13 (B) SPOUSES AND CHILDREN OF CHILD ENTRANTS. --

14 Notwithstanding any other provision of law, the Secretary shall confer the status of
15 lawful permanent resident on the spouse and minor child of an alien granted any
16 adjustment of status under paragraphs (3) if such alien includes the spouse or minor child
17 in an application for adjustment of status to that of a lawful permanent resident.

18 (4) FEES AND PENALTIES.—

19 (A) PROCESSING FEES.—

20 (i) IN GENERAL. – The Secretary shall impose a processing fee
21 for providing adjudication services that may be set at a level that will
22 ensure recovery of the full costs of providing all such services. Such fees
23 shall also be set at a level that will recover any additional costs associated
24 with applications for adjustment filed under this section which shall be
25 sufficient to recover the full cost of adjudicating the application, including
26 the cost of taking and processing biometrics, including adjudication; the

1 cost of expenses relating to prevention and investigation of fraud; and the
2 costs related to the administration of the fees collected.

3 (ii) SECRETARY AUTHORITY TO LIMIT FEES. – The
4 Secretary shall have the sole and unreviewable discretion to provide,
5 through the rulemaking described in section 208 of this title, a maximum
6 processing fee payable under this paragraph by a family (spouses and
7 unmarried children under 21 years of age) and a fee exemption based on
8 eligibility criteria he or she establishes.

9 (B) PENALTIES.—An alien who was 21 years of age or over on the date
10 of the introduction of Comprehensive Immigration Reform Act of 2013 who is
11 filing an application for adjustment of status under this section shall pay a \$500
12 penalty to the Secretary, in addition to the processing fee required under
13 subparagraph (A) of this paragraph.

14 (C) DEPOSIT AND SPENDING OF FEES.—Fees collected under
15 subparagraph (A) of this paragraph shall be deposited into the Immigration
16 Examinations Fee Account and shall remain available as provided under sections
17 286(m) and 286(n) of the Act.

18 (D) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—
19 Penalties collected under subparagraph (C) of this paragraph shall be initially
20 deposited and remain available as provided under section 201(c)(5) of this title.

21 (6) INTERVIEW.—The Secretary may, in his or her discretion, interview an
22 applicant for adjustment under this section to determine eligibility for such adjustment.

23 (7) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An
24 alien applying for adjustment under this section shall be required to submit to a renewed
25 national security and law enforcement background check that must be completed to the
26 satisfaction of the Secretary before such adjustment may be granted.

1 (d) SECRETARY’S DISCRETION.— Notwithstanding any other provision of this
2 Subtitle, the Secretary may deny an application for adjustment of status under this section, in the
3 Secretary’s sole and unreviewable discretion.

4 (e) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the
5 Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an
6 alien whose status has been adjusted under this section shall not be eligible for any Federal
7 means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit
8 under title IV of such Act (8 U.S.C. 1601 et seq.).

9
10 **SEC. 203. ADMINISTRATIVE AND JUDICIAL REVIEW OF DECISIONS**
11 **RESPECTING LAWFUL PROSPECTIVE IMMIGRANT STATUS AND ADJUSTMENT**
12 **OF STATUS FOR LAWFUL PROSPECTIVE IMMIGRANTS.**

13 (a) ADMINISTRATIVE REVIEW.—

14 (1) EXCLUSIVE REVIEW.—Administrative review of a determination
15 respecting an application for status or extension of status, or revocation of status, as a
16 Lawful Prospective Immigrant under section 201 of this title, or respecting an application
17 for adjustment of status under section 202 of this title, or respecting a petition filed by a
18 Lawful Prospective Immigrant under section 201 of this title on behalf of a spouse or
19 child of such alien shall be conducted solely as provided in this subsection.

20 (2) ADMINISTRATIVE APPELLATE REVIEW.—

21 (A) DESIGNATION OF ADMINISTRATIVE APPELLATE
22 AUTHORITY.—The Secretary shall designate an appellate authority to provide
23 for a single level of administrative appellate review of a determination respecting
24 an application for status or extension of status, or revocation of status, as a Lawful
25 Prospective Immigrant under section 201 of this title, or respecting an application
26 for adjustment of status under section 202 of this title, or respecting a petition
27 filed by a Lawful Prospective Immigrant under section 201 of this title on behalf

1 of a spouse or child of such alien. Any such application is not renewable or
2 reviewable in any proceeding before the Attorney General.

3 (B) SINGLE APPEAL.—

4 (i) **LAWFUL PROSPECTIVE IMMIGRANT.**—An alien in the
5 United States whose application for status as a Lawful Prospective
6 Immigrant under section 201(b) of this title has been denied, whose status
7 as a Lawful Prospective Immigrant has been revoked, or whose petition to
8 classify a spouse or child of such alien as a Lawful Prospective Immigrant
9 has been denied or revoked, may file with the Secretary not more than one
10 appeal of each administrative decision to deny or revoke.

11 (ii) **ADJUSTMENT OF STATUS.**—An alien in Lawful
12 Prospective Immigrant status whose application under section 202 of this
13 title for adjustment of status to that of an alien lawfully admitted for
14 permanent residence has been denied may file with the Secretary not more
15 than one appeal of each such denial..

16 (iii) **NOTICE OF APPEAL.**—A notice of appeal for each
17 administrative decision filed under this subsection must be filed not later
18 than 60 calendar days after the date on which the decision to deny or
19 revoke was served on the alien, unless the Secretary determines in his or
20 her sole and unreviewable discretion that the delay was reasonably
21 justifiable.

22 (C) **SECRETARIAL REVIEW.**—Nothing in this subsection shall be
23 construed to limit the authority of the Secretary, in the Secretary’s sole and
24 unreviewable discretion, to certify appeals to himself or herself for review and
25 final administrative decision.

26 (D) **FINAL ADMINISTRATIVE DETERMINATION.** – An
27 administrative decision respecting an application for status or extension of status,

1 or revocation of status, as a Lawful Prospective Immigrant under section 201 of
2 this title, or respecting an application for adjustment of status under section 202 of
3 this title, or respecting a petition filed by a Lawful Prospective Immigrant under
4 section 201 of this title on behalf of a spouse or child of such alien is final if:

5 (i) the administrative appellate authority designated under
6 subsection (a)(2)(A) upholds an initial administrative determination under this
7 title; or

8 (ii) 60 calendar days have passed from the date on which such
9 administrative decision is served on the alien and the alien has not filed a notice
10 of appeal under subsection (a)(2)(b)(iii).

11 (E) STAY OF REMOVAL.—Aliens seeking administrative review under
12 this section shall not be removed from the United States until a final
13 administrative determination of the appeal is rendered, unless such removal is
14 based on criminal or national security grounds, in which event a stay of removal
15 may be granted in the sole and unreviewable discretion of the Secretary.

16 (F) UNLAWFUL PRESENCE. – During the period in which an alien may
17 request administrative review under this subsection, and during the period that
18 any such review is pending, the alien shall not be considered “unlawfully present
19 in the United States” for purposes of section 212(a)(9) of the Act.

20 (3) RECORD FOR REVIEW.—Administrative appellate review referred to in
21 paragraph (2) of this subsection shall be based solely upon the administrative record
22 established at the time of the initial determination and upon any additional newly
23 discovered or previously unavailable evidence as the administrative appellate review
24 authority may in its discretion decide to consider.

25 (4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—

1 (A) NO MOTION TO REOPEN OR RECONSIDER INITIAL
2 DECISION.—An alien may not file a motion to reopen or reconsider an initial
3 administrative decision under this title

4 (B) ONE MOTION TO REOPEN OR RECONSIDER APPELLATE
5 DECISION.—An alien may not file more than one motion to reopen or to
6 reconsider a final decision of the administrative appellate body designated under
7 this section. Such motions must be filed not later than 60 days after the date on
8 which the administrative appellate decision is served on the alien. The Secretary's
9 decision whether to consider any such motion is committed to the Secretary's sole
10 and unreviewable discretion.

11 (b) JUDICIAL REVIEW.—

12 (1) Section 242 of the Immigration and Nationality Act is amended by adding the
13 following new subsection (h):

14 “(h) JUDICIAL REVIEW OF DETERMINATIONS UNDER TITLE II OF THE
15 COMPREHENSIVE IMMIGRATION REFORM ACT of 2013.—

16 “(1) JUDICIAL REVIEW OF FINAL ADMINISTRATIVE DETERMINATIONS
17 UNDER TITLE II OF THE COMPREHENSIVE IMMIGRATION REFORM
18 ACT.—

19 “An alien whose application or petition under title II of the Comprehensive Immigration
20 Reform Act of 2013 was denied or whose approved application, approved petition, or status under
21 such title was revoked, and who has exhausted the administrative appellate remedy provided by
22 such title, may obtain review of such decision, in accordance with chapter 7 of title 5, United
23 States Code, before the United States district court for the district in which the person resides.
24 During the pendency of such an action (including any period during which the action is pending
25 in the court of appeals because of consolidation under paragraph (2)),

26 “(A) the alien shall not be deemed to accrue unlawful presence for purposes of
27 section 212(a)(9) of the Act;

1 “(B) the court shall have the discretion to stay execution of any order of
2 exclusion, deportation, or removal; and

3 “(C) any unexpired grant of voluntary departure under section 240B of the Act
4 shall be tolled.

5 “(2) If any action under paragraph (1) is pending in the district court at the same
6 time that a petition for review filed by the alien under paragraph (a)(1) is pending in the
7 court of appeals, the two actions shall be consolidated in the court of appeals.

8 “(3) STANDARD FOR JUDICIAL REVIEW. – Judicial review of a final
9 administrative decision under this section shall be based upon the administrative
10 record established at the time of the review, but the court may remand the case to
11 the Secretary for consideration of additional evidence where the court finds that
12 the evidence is material and there were reasonable grounds for failure to adduce
13 the evidence before the Secretary. Notwithstanding any other provision of law,
14 judicial review of all questions arising under this section shall be governed by the
15 standard of review set forth in section 706 of title 5, United States Code.

16 “(4) REMEDIAL POWERS. – Notwithstanding any other provision of
17 law, the district courts of the United States shall have jurisdiction over any cause
18 or claim arising from a pattern or practice of the Secretary of Homeland Security
19 in the operation or implementation of this Act that is arbitrary, capricious, or
20 otherwise contrary to law, and may order any appropriate relief. The district
21 courts may order any appropriate relief in accordance with the preceding sentence
22 without regard to exhaustion, ripeness, or other standing requirements (other than
23 constitutionally-mandated requirements), if the court determines that resolution of
24 such cause or claim will serve judicial and administrative efficiency or that a
25 remedy would otherwise not be reasonably available or practicable.

26 “(5) NO REVIEW FOR LATE FILINGS.— No court shall have
27 jurisdiction to review the denial of any application that was filed after the

1 expiration of the period established by section 201(c)(1)(B) of the Comprehensive
2 Immigration Reform Act of 2013.

3 “(6) CHALLENGES TO VALIDITY OF THE SYSTEM ESTABLISHED
4 BY TITLE II OF THE COMPREHENSIVE IMMIGRATION REFORM ACT
5 OF 2013.—

6 “(A) IN GENERAL.—Any claim that title II of the
7 Comprehensive Immigration Reform Act of 2013, or any
8 regulation, guideline, directive, or procedure issued to implement
9 that title, violates the Constitution of the United States or is
10 otherwise in violation of law is available exclusively in an action
11 instituted in the United States District Court for the District of
12 Columbia in accordance with the procedures prescribed in this
13 paragraph. Any such claim with respect to the Act must be filed
14 within 2 years of enactment of this Act, and any such claim with
15 respect to any regulation, guideline, directive, or procedure issued
16 to implement title II must be filed within 2 years of its issuance.

17 “(B) CLASS ACTIONS.—Any claim described in
18 subparagraph (A) that is brought as a class action shall be brought
19 in conformity with the Federal Rules of Civil Procedure.

20 “(C) EXHAUSTION AND STAY OF PROCEEDINGS.—
21 No claim brought under this paragraph shall require the plaintiff to
22 exhaust administrative remedies under section 203 of this title, but,
23 subject to paragraph (6), nothing shall prevent the court, in its
24 discretion, from staying proceedings under this paragraph to permit
25 the Secretary to evaluate an allegation challenging a policy or
26 practice or to take corrective action. In deciding whether to issue
27 such a stay, the court shall take into account any harm the stay may
28 cause to the claimant and to the government. This subsection

1 conveys no authority to stay proceedings initiated under any other
2 section of the Act.

3 “(7) CONSTITUTIONAL CLAIMS AND QUESTIONS OF LAW. – Nothing in
4 this chapter which limits or eliminates judicial review shall be construed as precluding
5 review of constitutional claims or questions of law raised upon an action for review filed
6 in accordance with this section.

7 “(c) JUDICIAL REVIEW OF DISCRETIONARY DETERMINATIONS.—The
8 limitations on judicial review of certain decisions or actions of the Attorney General or the
9 Secretary of Homeland Security set forth in section 242(a)(2)(B)(ii) of the Act shall also apply to
10 any such decision or action the authority for which is specified under title II of the
11 Comprehensive Immigration Reform Act of 2013 to be in the discretion of the Attorney General
12 or the Secretary of Homeland Security.

13 (d) Section 242(a)(2)(B) of the Act is hereby amended by inserting, after “no court shall
14 have jurisdiction to review,” the phrase “the exercise of discretion arising under”.

15 (e) Section 242(a)(2)(D) of the Act is hereby amended by deleting “raised upon a petition
16 for review filed with an appropriate court of appeals in accordance with this section”.

17 **SEC. 204. CONFIDENTIALITY OF INFORMATION.**

18 (a) IN GENERAL.—Except as otherwise provided in this section and in section 207 of
19 this title, no Federal agency or bureau, or any officer or employee of such agency or bureau,
20 may, without the written consent of the applicant—

21 (1) use the information furnished by the applicant pursuant to an application filed
22 under sections 201 or 202 of this title, for any purpose, other than to make a
23 determination on the applications filed by an applicant or dependent under this Act, or on
24 any other applications seeking an immigration benefit, including revocation of an
25 application previously approved, to identify or prevent fraudulent claims, or to adjudicate
26 a future application or petition filed by the applicant;

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

3 (3) permit anyone other than the sworn officers, employees or contractors of such
4 agency or bureau, to examine individual applications that have been filed.

5 (b) REQUIRED AND AUTHORIZED DISCLOSURES.—

6 Notwithstanding paragraph (a), above:

7 (1) Subject to other applicable law, the Secretary of State may share visa
8 records as provided for under section 222(f) of the Act;

9 (2) The Secretary shall provide the information furnished pursuant to an
10 application filed under sections 201 and 202 of this title, and any other information
11 derived from such furnished information, to a duly recognized law enforcement entity,
12 intelligence agency, national security agency, component of the Department of Homeland
13 Security, the Department of State, court, or grand jury in connection with a criminal
14 investigation or prosecution, a background check conducted pursuant to the Brady
15 Handgun Violence Protection Act, or a national security investigation or prosecution
16 when such information is requested in writing by such entity.

17 (c) CRIMINAL PENALTY. – Any person who knowingly uses, publishes, or permits
18 information to be examined in violation of this subsection shall be fined not more than \$10,000.

19 (d) FRAUD IN APPLICATION PROCESS.—Notwithstanding any other provision of
20 this section, when an application for Lawful Prospective Immigrant status has been denied based
21 on a substantiation of fraud, information on such applications may be used by or released to
22 appropriate law enforcement authorities.

23 (e) Penalties for False Statements in Applications-

24 (1) CRIMINAL PENALTY-

25 (A) VIOLATION. – It shall be unlawful for any person to –

1 ` (i) file or assist in filing an application for adjustment of status under this
2 section and knowingly and willfully falsify, conceal, or cover up a
3 material fact or make any false, fictitious, or fraudulent statements or
4 representations, or make or use any false writing or document knowing the
5 same to contain any false, fictitious, or fraudulent statement or entry; or

6 ` (ii) create or supply a false writing or document for use in making such an
7 application.

8 ` (B) PENALTY. – Any person who violates subparagraph (A) shall be fined in
9 accordance with title 18, United States Code, or imprisoned not more than 5
10 years, or both.

11 **SEC. 205. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.**

12 Section 201(b)(1) of the Act (8 U.S.C. 1151(b)(1)), is amended by adding at the end the
13 following:

14 “(J) Aliens whose status is adjusted from that of a Lawful Prospective Immigrant
15 under section 202 of the Comprehensive Immigration Reform Act of 2013.”.

16 **SEC. 206. EMPLOYER PROTECTIONS.**

17 (a) USE OF EMPLOYMENT RECORDS.—Copies of employment records or other
18 evidence of employment provided by an alien or by an alien's employer in support of an alien's
19 application for Lawful Prospective Immigrant status under section 201 of this title shall not be
20 used in a prosecution or investigation (civil or criminal) of that employer under section 274A of
21 the Act or the tax laws of the United States for the prior unlawful employment of that alien,
22 regardless of the adjudication of such application or reconsideration by the Secretary of such
23 alien's prima facie eligibility determination, and employers that provide unauthorized aliens with
24 copies of employment records or other evidence of employment pursuant to an application for
25 Lawful Prospective Immigrant status shall not be subject to civil and criminal liability pursuant
26 to section 274A of the Act for employing such unauthorized aliens. This section does not apply
27 to employment records submitted by aliens or employers that are deemed to be fraudulent.

1 (b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield
2 an employer from liability under section 274B of the Act or any other labor or employment law.

3 **SEC. 207. ASSIGNMENT OF SOCIAL SECURITY NUMBER.**

4 The Commissioner of the Social Security Administration, in coordination with the
5 Secretary of Homeland Security, shall implement a system to allow for the assignment of a
6 Social Security number and issuance of a Social Security card after the Secretary of Homeland
7 Security has granted an alien status as a Lawful Prospective Immigrant. The Secretary of
8 Homeland Security shall provide to the Commissioner of Social Security information from the
9 application filed under section 201(a) of this title and such other information as the
10 Commissioner of Social Security deems necessary to assign a Social Security account number.
11 The Commissioner of Social Security may use such information to assign such Social Security
12 account numbers and to administer the programs for which the Commissioner of Social Security
13 has responsibility. The Commissioner of Social Security may maintain, use, and disclose such
14 information only as permitted by the Privacy Act and other federal law.

15 **SUBTITLE B - IMPLEMENTATION**

16 **SEC. 208. RULEMAKING.**

17 (a) IN GENERAL.—The Secretary, the Attorney General, and the Secretary of State
18 separately shall issue interim final regulations within 1 year of the date of enactment of this title
19 to implement this title and the amendments made by this title. Such interim final regulations
20 shall become effective immediately upon publication in the Federal Register.

21 (b) EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.—Any
22 decision by the Secretary concerning any rulemaking action, plan or program described
23 in this section shall not be considered to be a major Federal action subject to review under the
24 National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

25 **SEC. 209. EXEMPTION FROM GOVERNMENT CONTRACTING AND HIRING**
26 **RULES.**

1 (a) IN GENERAL.—Any Federal agency's determination to use a procurement
2 competition exemption under 41 USC § 253(c), or to use the authority granted in paragraph (b)
3 of this subsection, for the purpose of implementing this title is not subject to challenge by protest
4 to either the Government Accountability Office, under 31 U.S.C. §§ 3551-3556, or to the Court
5 of Federal Claims, under 28 U.S.C. § 1491. An agency shall immediately advise the Congress of
6 the exercise of the authority granted in this subsection.

7 (b) GOVERNMENT CONTRACTING EXEMPTION.—The competition requirement
8 of 41 USC § 253(a) may be waived or modified by a Federal agency for any procurement
9 conducted to implement this title pursuant to a determination and finding, approved by the senior
10 procurement executive for the agency conducting the procurement, that explains why the waiver
11 or modification is necessary, provided that such a determination and finding is furnished to
12 [identify Congressional Committees].

13 (c) HIRING RULES EXEMPTION.—

14 (1) Notwithstanding any other provision of law, the Secretary of Homeland Security shall
15 have authority to make term, temporary limited, and part-time appointments for purposes of
16 implementing this title without regard to the number of such employees, their ratio to permanent
17 full-time employees, and the duration of their employment. Nothing in 5 U.S.C., Chapter 71,
18 shall affect the authority of any Department of Homeland Security management official to hire
19 term, temporary limited or part-time employees under this subsection.

20 (2) Section 824(g)(2)(B) of the Foreign Service Act of 1980 (22 U.S.C.

21 4064(g)(2)(B)) is amended by striking “2009” and inserting “2017”.

22 **SEC. 210. AUTHORITY TO ACQUIRE LEASEHOLDS.**

23 Notwithstanding any other provision of law, the Secretary of Homeland Security may
24 acquire a leasehold interest in real property, and may provide in a lease entered into under this
25 subsection for the construction or modification of any facility on the leased property, if she
26 determines that the acquisition of such interest, and such construction or modification, are
27 necessary in order to facilitate the implementation of this Act.

1 **SEC. 211. PRIVACY AND CIVIL LIBERTIES.**

2 (a) IN GENERAL.—Consistent with section 204 of this title, the Secretary shall require
3 appropriate administrative and physical safeguards to protect the security, confidentiality, and
4 integrity of personally identifiable information collected, maintained, and disseminated pursuant
5 to sections 201 and 202 of this title.

6 (b) ASSESSMENTS.—Notwithstanding privacy requirements under Section 222 of the
7 Homeland Security Act and the E-Government Act of 2002, the Secretary shall conduct a
8 privacy impact assessment and a civil liberties impact assessment of the legalization program
9 established in sections 201 and 202 of this title during the pendency of the interim final rule.

10 **SEC. 212. STATUTORY CONSTRUCTION.**

11 Except as specifically provided otherwise, nothing in this title, or any amendment made
12 by this title, shall be construed to create any substantive or procedural right or benefit that is
13 legally enforceable by any party against the United States or its agencies or officers or any other
14 person.

15 **SUBTITLE C - MISCELLANEOUS**

16 **SEC. 213. CORRECTION OF SOCIAL SECURITY RECORDS.**

17 (a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is
18 amended—

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

20 (2) by inserting after subparagraph (C) the following:

21 “(D) who is granted status as a Lawful Prospective Immigrant pursuant to
22 section 201 of the Comprehensive Immigration Reform Act of 2013, or

23 “(E) whose status is adjusted to that of lawful permanent resident under
24 section 202 of the Comprehensive Immigration Reform Act of 2013,”; and

1 (3) by striking “1990” and inserting “1990, or in the case of an alien described in
2 subparagraph (D) or (E), if such conduct is alleged to have occurred before the date on
3 which the alien submitted an application under section 201 of the Comprehensive
4 Immigration Reform Act of 2013 for classification as a Lawful Prospective Immigrant.”.

5 (b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on
6 the first day of the tenth month that begins after the date of the enactment of the Comprehensive
7 Immigration Reform Act of 2013.

8 **SEC. 214. FRAUD PREVENTION PROGRAM.**

9 (a) IN GENERAL.—The head of each Department responsible for the administration of a
10 program related to this title or with authority to confer an immigration benefit, relief, or status
11 under the immigration laws shall develop an administrative program to prevent fraud within or
12 upon such program or authority. Subject to such modifications as the head of the Department
13 may direct, the program shall provide for—

14 (1) fraud prevention training for the relevant administrative adjudicators within
15 the Department;

16 (2) the regular audit of pending and approved applications for examples and
17 patterns of fraud or abuse;

18 (3) the receipt and evaluation of reports of fraud or abuse;

19 (4) the identification of deficiencies in administrative practice or procedure that
20 encourage fraud or abuse;

21 (5) the remedy of any identified deficiencies; and

22 (6) the referral of cases of identified or suspected fraud or other misconduct for
23 investigation.

24 (b) IMPLEMENTATION.—Except as the head of the Department shall otherwise
25 provide, the implementation of the administrative program referred to in subsection (a) shall be

1 assigned to and made part of the component or agency within the Department that is responsible
2 for conferring the relevant immigration benefit, relief, or status under the immigration laws.

3 (c) COORDINATION.—The heads of relevant Departments shall coordinate their
4 respective efforts under this subsection.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be
6 appropriated such sums as may be necessary for this section.

7 **SEC. 215. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.**

8 (a) IN GENERAL. —The Secretary may award grants to eligible public or private non-
9 profit organizations.

10 (b) PURPOSE. —The purpose of this section is to establish a grant program within the
11 Bureau of Citizenship and Immigration Services that provides funding to eligible public or
12 private non-profit organizations, to develop and implement programs to assist eligible applicants
13 for programs under this Act by providing them with the services described in subsection (d).

14 (c) ELIGIBLE PUBLIC OR PRIVATE NON-PROFIT ORGANIZATION. — The term
15 'eligible public or private non-profit' means a nonprofit, tax-exempt organization, including a
16 community, faith-based or other immigrant-serving organization, whose staff has demonstrated
17 qualifications, experience and expertise in providing quality services to immigrants, refugees,
18 persons granted asylum, or persons applying for such statuses.

19 (d) USE OF FUNDS. — Grants awarded under this section may be used for the design
20 and implementation of programs to provide:

21 (1) PUBLIC EDUCATION — Educate the public, in particular to individuals
22 potentially eligible for Lawful Prospective Immigrant status, as established by section
23 201 of this title.

24 (2) APPLICATIONS — Assistance, within the scope of authorized practice of
25 immigration law, to individuals submitting applications under the programs established
26 by this title. Such assistance may include —

27 (A) screening prospective applicants to assess their eligibility for the programs;

- 1 (B) completing applications and petitions, including providing assistance in
2 obtaining the requisite documents and supporting evidence;
3 (C) applying for any waivers for which applicants and qualifying family members
4 may be eligible; and
5 (D) providing any other assistance that the Secretary or grantees consider useful
6 or necessary to apply for the programs.

7
8 (3) ADJUSTMENT OF STATUS. – Assistance, within the scope of authorized
9 practice of immigration law, to individuals seeking to adjust their status in accordance
10 with section 245 of the Immigration and Nationality Act.

11 (4) CITIZENSHIP. – Assistance, within the scope of authorized practice of
12 immigration law, and instruction, to individuals --

- 13 (A) on the rights and responsibilities of United States Citizenship;
14 (B) in civics and civics-based English as a second language; and
15 (C) in applying for United States citizenship.

16 (e) SELECTION OF GRANTEEES. – Grants awarded under this section shall be awarded
17 on a competitive basis.

18 (f) SOURCE OF GRANT FUNDS. –

19 (1) APPLICATION FEES. – The Secretary shall use funds made available under
20 section 201(c)(5) of this title, to carry out this section.

21 (2) AUTHORIZATION OF APPROPRIATIONS. –

22 (A) AMOUNTS AUTHORIZED. – In addition to the amounts made available
23 under paragraph (1), there are authorized to be appropriated such additional sums as may
24 be necessary for each of the fiscal years 20014 through 2018 to carry out this section.

25 (B) AVAILABILITY. – Any amounts appropriated pursuant to subparagraph (A)
26 shall remain available until expended.

27