

**AMENDMENT TO H.R. 1635**  
**OFFERED BY MR. ESPAILLAT OF NEW YORK**

At the end of the bill, add the following:

**1 SEC. 7. DEPARTMENT STAFF.**

2 Part B of title I of the Higher Education Act of 1965  
3 (20 U.S.C. 1011 et seq.) is amended by adding at the end  
4 the following:

**5 “SEC. 124. DREAM ACT.**

6 “(a) **SHORT TITLE.**—This section may be cited as the  
7 ‘Dream Act’.

8 “(b) **DEFINITIONS.**—In this section:

9 “(1) **IN GENERAL.**—Except as otherwise specifi-  
10 cally provided, any term used in this section that is  
11 used in the immigration laws shall have the meaning  
12 given such term in the immigration laws.

13 “(2) **DACA.**—The term ‘DACA’ means de-  
14 ferred action granted to an alien pursuant to the  
15 Deferred Action for Childhood Arrivals program an-  
16 nounced by President Obama on June 15, 2012.

17 “(3) **DISABILITY.**—The term ‘disability’ has the  
18 meaning given such term in section 3(1) of the  
19 Americans with Disabilities Act of 1990 (42 U.S.C.  
20 12102(1)).

1           “(4) EARLY CHILDHOOD EDUCATION PRO-  
2           GRAM.—The term ‘early childhood education pro-  
3           gram’ has the meaning given such term in section  
4           103(8).

5           “(5) ELEMENTARY SCHOOL; HIGH SCHOOL;  
6           SECONDARY SCHOOL.—The terms ‘elementary  
7           school’, ‘high school’, and ‘secondary school’ have  
8           the meanings given such terms in section 8101 of  
9           the Elementary and Secondary Education Act of  
10          1965 (20 U.S.C. 7801).

11          “(6) IMMIGRATION LAWS.—The term ‘immigra-  
12          tion laws’ has the meaning given such term in sec-  
13          tion 101(a)(17) of the Immigration and Nationality  
14          Act (8 U.S.C. 1101(a)(17)).

15          “(7) PERMANENT RESIDENT STATUS ON A CON-  
16          DITIONAL BASIS.—The term ‘permanent resident  
17          status on a conditional basis’ means status as an  
18          alien lawfully admitted for permanent residence on  
19          a conditional basis under this section.

20          “(8) POVERTY LINE.—The term ‘poverty line’  
21          has the meaning given such term in section 673 of  
22          the Community Services Block Grant Act (42 U.S.C.  
23          9902).

1           “(9) SECRETARY.—Except as otherwise specifi-  
2 cally provided, the term ‘Secretary’ means the Sec-  
3 retary of Homeland Security.

4           “(10) UNIFORMED SERVICES.—The term ‘Uni-  
5 formed Services’ has the meaning given the term  
6 ‘uniformed services’ in section 101(a) of title 10,  
7 United States Code.

8           “(c) PERMANENT RESIDENT STATUS ON A CONDI-  
9 TIONAL BASIS FOR CERTAIN LONG-TERM RESIDENTS  
10 WHO ENTERED THE UNITED STATES AS CHILDREN.—

11           “(1) CONDITIONAL BASIS FOR STATUS.—Not-  
12 withstanding any other provision of law, an alien  
13 shall be considered, at the time of obtaining the sta-  
14 tus of an alien lawfully admitted for permanent resi-  
15 dence under this subsection, to have obtained such  
16 status on a conditional basis subject to the provi-  
17 sions under this section.

18           “(2) REQUIREMENTS.—

19           “(A) IN GENERAL.—Notwithstanding any  
20 other provision of law, the Secretary shall can-  
21 cel the removal of, and adjust to the status of  
22 an alien lawfully admitted for permanent resi-  
23 dence on a conditional basis, an alien who is in-  
24 admissible or deportable from the United States  
25 or is in temporary protected status under sec-

1           tion 244 of the Immigration and Nationality  
2           Act (8 U.S.C. 1254a), if—

3                   “(i) the alien has been continuously  
4                   physically present in the United States  
5                   since the date that is 4 years before the  
6                   date of the enactment of this section;

7                   “(ii) the alien was younger than 18  
8                   years of age on the date on which the alien  
9                   initially entered the United States;

10                   “(iii) subject to paragraphs (2) and  
11                   (3), the alien—

12                           “(I) is not inadmissible under  
13                           paragraph (2), (3), (6)(E), (6)(G),  
14                           (8), (10)(A), (10)(C), or (10)(D) of  
15                           section 212(a) of the Immigration and  
16                           Nationality Act (8 U.S.C. 1182(a));

17                           “(II) has not ordered, incited, as-  
18                           sisted, or otherwise participated in the  
19                           persecution of any person on account  
20                           of race, religion, nationality, member-  
21                           ship in a particular social group, or  
22                           political opinion; and

23                           “(III) has not been convicted  
24                           of—

1           “(aa) any offense under  
2           Federal or State law, other than  
3           a State offense for which an es-  
4           sential element is the alien’s im-  
5           migration status, that is punish-  
6           able by a maximum term of im-  
7           prisonment of more than 1 year;  
8           or

9           “(bb) 3 or more offenses  
10          under Federal or State law, other  
11          than State offenses for which an  
12          essential element is the alien’s  
13          immigration status, for which the  
14          alien was convicted on different  
15          dates for each of the 3 offenses  
16          and imprisoned for an aggregate  
17          of 90 days or more; and

18          “(iv) the alien—

19               “(I) has been admitted to an in-  
20               stitution of higher education;

21               “(II) has earned a high school di-  
22               ploma or a commensurate alternative  
23               award from a public or private high  
24               school, or has obtained a general edu-  
25               cation development certificate recog-

1 nized under State law or a high school  
2 equivalency diploma in the United  
3 States; or

4 “(III) is enrolled in secondary  
5 school or in an education program as-  
6 sisting students in—

7 “(aa) obtaining a regular  
8 high school diploma or its recog-  
9 nized equivalent under State law;  
10 or

11 “(bb) in passing a general  
12 educational development exam, a  
13 high school equivalence diploma  
14 examination, or other similar  
15 State-authorized exam.

16 “(B) WAIVER.—With respect to any ben-  
17 efit under this section, the Secretary may waive  
18 the grounds of inadmissibility under paragraph  
19 (2), (6)(E), (6)(G), or (10)(D) of section  
20 212(a) of the Immigration and Nationality Act  
21 (8 U.S.C. 1182(a)) for humanitarian purposes  
22 or family unity or if the waiver is otherwise in  
23 the public interest.

24 “(C) TREATMENT OF EXPUNGED CONVIC-  
25 TIONS.—An expunged conviction shall not auto-

1 matically be treated as an offense under sub-  
2 paragraph (A). The Secretary shall evaluate ex-  
3 punished convictions on a case-by-case basis ac-  
4 cording to the nature and severity of the of-  
5 fense to determine whether, under the par-  
6 ticular circumstances, the Secretary determines  
7 that the alien should be eligible for cancellation  
8 of removal, adjustment to permanent resident  
9 status on a conditional basis, or other adjust-  
10 ment of status.

11 “(D) DACA RECIPIENTS.—The Secretary  
12 shall cancel the removal of, and adjust to the  
13 status of an alien lawfully admitted for perma-  
14 nent residence on a conditional basis, an alien  
15 who was granted DACA unless the alien has  
16 engaged in conduct since the alien was granted  
17 DACA that would make the alien ineligible for  
18 DACA.

19 “(E) APPLICATION FEE.—

20 “(i) IN GENERAL.—The Secretary  
21 may require an alien applying for perma-  
22 nent resident status on a conditional basis  
23 under this subsection to pay a reasonable  
24 fee that is commensurate with the cost of  
25 processing the application.

1                   “(ii) EXEMPTION.—An applicant may  
2                   be exempted from paying the fee required  
3                   under clause (i) if the alien—

4                               “(I)(aa) is younger than 18 years  
5                               of age;

6                               “(bb) received total income, dur-  
7                               ing the 12-month period immediately  
8                               preceding the date on which the alien  
9                               files an application under this sub-  
10                              section, that is less than 150 percent  
11                              of the poverty line; and

12                              “(cc) is in foster care or other-  
13                              wise lacking any parental or other fa-  
14                              miliar support;

15                              “(II) is younger than 18 years of  
16                              age and is homeless;

17                              “(III)(aa) cannot care for himself  
18                              or herself because of a serious, chron-  
19                              ic disability; and

20                              “(bb) received total income, dur-  
21                              ing the 12-month period immediately  
22                              preceding the date on which the alien  
23                              files an application under this sub-  
24                              section, that is less than 150 percent  
25                              of the poverty line; or

1                   “(IV)(aa) during the 12-month  
2                   period immediately preceding the date  
3                   on which the alien files an application  
4                   under this subsection, accumulated  
5                   \$10,000 or more in debt as a result of  
6                   unreimbursed medical expenses in-  
7                   curred by the alien or an immediate  
8                   family member of the alien; and

9                   “(bb) received total income, dur-  
10                  ing the 12-month period immediately  
11                  preceding the date on which the alien  
12                  files an application under this sub-  
13                  section, that is less than 150 percent  
14                  of the poverty line.

15                  “(F) SUBMISSION OF BIOMETRIC AND BIO-  
16                  GRAPHIC DATA.—The Secretary may not grant  
17                  an alien permanent resident status on a condi-  
18                  tional basis under this subsection unless the  
19                  alien submits biometric and biographic data, in  
20                  accordance with procedures established by the  
21                  Secretary. The Secretary shall provide an alter-  
22                  native procedure for aliens who are unable to  
23                  provide such biometric or biographic data be-  
24                  cause of a physical impairment.

25                  “(G) BACKGROUND CHECKS.—

1           “(i) REQUIREMENT FOR BACKGROUND  
2 CHECKS.—The Secretary shall utilize bio-  
3 metric, biographic, and other data that the  
4 Secretary determines appropriate—

5           “(I) to conduct security and law  
6 enforcement background checks of an  
7 alien seeking permanent resident sta-  
8 tus on a conditional basis under this  
9 subsection; and

10           “(II) to determine whether there  
11 is any criminal, national security, or  
12 other factor that would render the  
13 alien ineligible for such status.

14           “(ii) COMPLETION OF BACKGROUND  
15 CHECKS.—The security and law enforce-  
16 ment background checks of an alien re-  
17 quired under clause (i) shall be completed,  
18 to the satisfaction of the Secretary, before  
19 the date on which the Secretary grants  
20 such alien permanent resident status on a  
21 conditional basis under this subsection.

22           “(H) MEDICAL EXAMINATION.—

23           “(i) REQUIREMENT.—An alien apply-  
24 ing for permanent resident status on a

1 conditional basis under this subsection  
2 shall undergo a medical examination.

3 “(ii) POLICIES AND PROCEDURES.—

4 The Secretary, with the concurrence of the  
5 Secretary of Health and Human Services,  
6 shall prescribe policies and procedures for  
7 the nature and timing of the examination  
8 required under clause (i).

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

16 “(3) DETERMINATION OF CONTINUOUS PRES-  
17 ENCE.—

18 “(A) TERMINATION OF CONTINUOUS PE-  
19 RIOD.—Any period of continuous physical pres-  
20 ence in the United States of an alien who ap-  
21 plies for permanent resident status on a condi-  
22 tional basis under this subsection shall not ter-  
23 minate when the alien is served a notice to ap-  
24 pear under section 239(a) of the Immigration  
25 and Nationality Act (8 U.S.C. 1229(a)).

1                   “(B) TREATMENT OF CERTAIN BREAKS IN  
2                   PRESENCE.—

3                   “(i) IN GENERAL.—Except as pro-  
4                   vided in subparagraphs (B) and (C), an  
5                   alien shall be considered to have failed to  
6                   maintain continuous physical presence in  
7                   the United States under paragraph  
8                   (2)(A)(i) if the alien has departed from the  
9                   United States for any period exceeding 90  
10                  days or for any periods, in the aggregate,  
11                  exceeding 180 days.

12                  “(ii) EXTENSIONS FOR EXTENUATING  
13                  CIRCUMSTANCES.—The Secretary may ex-  
14                  tend the time periods described in clause  
15                  (i) for an alien who demonstrates that the  
16                  failure to timely return to the United  
17                  States was due to extenuating cir-  
18                  cumstances beyond the alien’s control, in-  
19                  cluding the serious illness of the alien, or  
20                  death or serious illness of a parent, grand-  
21                  parent, sibling, or child of the alien.

22                  “(iii) TRAVEL AUTHORIZED BY THE  
23                  SECRETARY.—Any period of travel outside  
24                  of the United States by an alien that was  
25                  authorized by the Secretary may not be

1           counted toward any period of departure  
2           from the United States under clause (i).

3           “(4) LIMITATION ON REMOVAL OF CERTAIN  
4           ALIENS.—

5           “(A) IN GENERAL.—The Secretary or the  
6           Attorney General may not remove an alien who  
7           appears prima facie eligible for relief under this  
8           subsection.

9           “(B) ALIENS SUBJECT TO REMOVAL.—The  
10          Secretary shall provide a reasonable opportunity  
11          to apply for relief under this subsection to any  
12          alien who requests such an opportunity or who  
13          appears prima facie eligible for relief under this  
14          section if the alien is in removal proceedings, is  
15          the subject of a final removal order, or is the  
16          subject of a voluntary departure order.

17          “(C) CERTAIN ALIENS ENROLLED IN ELE-  
18          MENTARY OR SECONDARY SCHOOL.—

19          “(i) STAY OF REMOVAL.—The Attor-  
20          ney General shall stay the removal pro-  
21          ceedings of an alien who—

22                  “(I) meets all the requirements  
23                  under clauses (i), (ii), and (iii) of  
24                  paragraph (2)(A), subject to subpara-

1 graphs (B) and (C) of such para-  
2 graph;

3 “(II) is at least 5 years of age;  
4 and

5 “(III) is enrolled in an elemen-  
6 tary school, a secondary school, or an  
7 early childhood education program.

8 “(ii) COMMENCEMENT OF REMOVAL  
9 PROCEEDINGS.—The Secretary may not  
10 commence removal proceedings for an alien  
11 described in subparagraph (A).

12 “(iii) EMPLOYMENT.—An alien whose  
13 removal is stayed pursuant to clause (i) or  
14 who may not be placed in removal pro-  
15 ceedings pursuant to clause (ii) shall, upon  
16 application to the Secretary, be granted an  
17 employment authorization document.

18 “(iv) LIFT OF STAY.—The Secretary  
19 or Attorney General may not lift the stay  
20 granted to an alien under clause (i) unless  
21 the alien ceases to meet the requirements  
22 under such clause.

23 “(5) EXEMPTION FROM NUMERICAL LIMITA-  
24 TIONS.—Nothing in this subsection or in any other  
25 law may be construed to apply a numerical limita-

1       tion on the number of aliens who may be granted  
2       permanent resident status on a conditional basis  
3       under this section.

4       “(d) TERMS OF PERMANENT RESIDENT STATUS ON  
5       A CONDITIONAL BASIS.—

6               “(1) PERIOD OF STATUS.—Permanent resident  
7       status on a conditional basis is—

8                       “(A) valid for a period of 8 years, unless  
9                       such period is extended by the Secretary; and

10                      “(B) subject to termination under para-  
11                      graph (3).

12               “(2) NOTICE OF REQUIREMENTS.—At the time  
13       an alien obtains permanent resident status on a con-  
14       ditional basis, the Secretary shall provide notice to  
15       the alien regarding the provisions of this section and  
16       the requirements to have the conditional basis of  
17       such status removed.

18               “(3) TERMINATION OF STATUS.—The Secretary  
19       may terminate the permanent resident status on a  
20       conditional basis of an alien only if the Secretary—

21                      “(A) determines that the alien ceases to  
22                      meet the requirements under subparagraph  
23                      (A)(iii) of subsection (c)(2), subject to subpara-  
24                      graphs (B) and (C) of that subsection; and

1           “(B) prior to the termination, provides the  
2 alien—

3           “(i) notice of the proposed termi-  
4 nation; and

5           “(ii) the opportunity for a hearing to  
6 provide evidence that the alien meets such  
7 requirements or otherwise contest the ter-  
8 mination.

9           “(4) RETURN TO PREVIOUS IMMIGRATION STA-  
10 TUS.—

11           “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), an alien whose permanent  
13 resident status on a conditional basis expires  
14 under paragraph (1)(A) or is terminated under  
15 paragraph (3) or whose application for such  
16 status is denied shall return to the immigration  
17 status that the alien had immediately before re-  
18 ceiving permanent resident status on a condi-  
19 tional basis or applying for such status, as ap-  
20 propriate.

21           “(B) SPECIAL RULE FOR TEMPORARY PRO-  
22 TECTED STATUS.—An alien whose permanent  
23 resident status on a conditional basis expires  
24 under paragraph (1)(A) or is terminated under  
25 paragraph (3) or whose application for such

1 status is denied and who had temporary pro-  
2 tected status under section 244 of the Immigra-  
3 tion and Nationality Act (8 U.S.C. 1254a) im-  
4 mediately before receiving or applying for such  
5 permanent resident status on a conditional  
6 basis, as appropriate, may not return to such  
7 temporary protected status if—

8 “(i) the relevant designation under  
9 section 244(b) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1254a(b)) has been  
11 terminated; or

12 “(ii) the Secretary determines that  
13 the reason for terminating the permanent  
14 resident status on a conditional basis ren-  
15 ders the alien ineligible for such temporary  
16 protected status.

17 “(e) REMOVAL OF CONDITIONAL BASIS OF PERMA-  
18 NENT RESIDENT STATUS.—

19 “(1) ELIGIBILITY FOR REMOVAL OF CONDI-  
20 TIONAL BASIS.—

21 “(A) IN GENERAL.—Subject to subpara-  
22 graph (B), the Secretary shall remove the con-  
23 ditional basis of an alien’s permanent resident  
24 status granted under this section and grant the

1 alien status as an alien lawfully admitted for  
2 permanent residence if the alien—

3 “(i) is described in subparagraph  
4 (A)(iii) of subsection (c)(2), subject to sub-  
5 paragraphs (B) and (C) of that subsection;

6 “(ii) has not abandoned the alien’s  
7 residence in the United States; and

8 “(iii)(I) has acquired a degree from  
9 an institution of higher education or has  
10 completed at least 2 years, in good stand-  
11 ing, in a program for a bachelor’s degree  
12 or higher degree in the United States;

13 “(II) has served in the Uniformed  
14 Services for at least 2 years and, if dis-  
15 charged, received an honorable discharge;  
16 or

17 “(III) has been employed for periods  
18 totaling at least 3 years and at least 75  
19 percent of the time that the alien has had  
20 a valid employment authorization, except  
21 that any period during which the alien is  
22 not employed while having a valid employ-  
23 ment authorization and is enrolled in an  
24 institution of higher education, a secondary  
25 school, or an education program described

1 in subsection (c)(2)(A)(iv)(III), shall not  
2 count toward the time requirements under  
3 this clause.

4 “(B) HARDSHIP EXCEPTION.—

5 “(i) IN GENERAL.—The Secretary  
6 shall remove the conditional basis of an  
7 alien’s permanent resident status and  
8 grant the alien status as an alien lawfully  
9 admitted for permanent residence if the  
10 alien—

11 “(I) satisfies the requirements  
12 under clauses (i) and (ii) of subpara-  
13 graph (A);

14 “(II) demonstrates compelling  
15 circumstances for the inability to sat-  
16 isfy the requirements under clause  
17 (iii) of such subparagraph; and

18 “(III) demonstrates that—

19 “(aa) the alien has a dis-  
20 ability;

21 “(bb) the alien is a full-time  
22 caregiver of a minor child; or

23 “(cc) the removal of the  
24 alien from the United States  
25 would result in extreme hardship

1 to the alien or the alien's spouse,  
2 parent, or child who is a national  
3 of the United States or is law-  
4 fully admitted for permanent res-  
5 idence.

6 “(C) CITIZENSHIP REQUIREMENT.—

7 “(i) IN GENERAL.—Except as pro-  
8 vided in clause (ii), the conditional basis of  
9 an alien's permanent resident status grant-  
10 ed under this Act may not be removed un-  
11 less the alien demonstrates that the alien  
12 satisfies the requirements under section  
13 312(a) of the Immigration and Nationality  
14 Act (8 U.S.C. 1423(a)).

15 “(ii) EXCEPTION.—Clause (i) shall  
16 not apply to an alien who is unable to meet  
17 the requirements under such section  
18 312(a) due to disability.

19 “(D) APPLICATION FEE.—

20 “(i) IN GENERAL.—The Secretary  
21 may require aliens applying for lawful per-  
22 manent resident status under this section  
23 to pay a reasonable fee that is commensu-  
24 rate with the cost of processing the appli-  
25 cation.

1                   “(ii) EXEMPTION.—An applicant may  
2                   be exempted from paying the fee required  
3                   under clause (i) if the alien—

4                               “(I)(aa) is younger than 18 years  
5                               of age;

6                               “(bb) received total income, dur-  
7                               ing the 12-month period immediately  
8                               preceding the date on which the alien  
9                               files an application under this section,  
10                              that is less than 150 percent of the  
11                              poverty line; and

12                             “(cc) is in foster care or other-  
13                             wise lacking any parental or other fa-  
14                             miliar support;

15                             “(II) is younger than 18 years of  
16                             age and is homeless;

17                             “(III)(aa) cannot care for himself  
18                             or herself because of a serious, chron-  
19                             ic disability; and

20                             “(bb) received total income, dur-  
21                             ing the 12-month period immediately  
22                             preceding the date on which the alien  
23                             files an application under this section,  
24                             that is less than 150 percent of the  
25                             poverty line; or

1                   “(IV)(aa) during the 12-month  
2                   period immediately preceding the date  
3                   on which the alien files an application  
4                   under this subsection, the alien accu-  
5                   mulated \$10,000 or more in debt as a  
6                   result of unreimbursed medical ex-  
7                   penses incurred by the alien or an im-  
8                   mediate family member of the alien;  
9                   and

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

16                   “(E) SUBMISSION OF BIOMETRIC AND BIO-  
17                   GRAPHIC DATA.—The Secretary may not re-  
18                   move the conditional basis of an alien’s perma-  
19                   nent resident status unless the alien submits bi-  
20                   ometric and biographic data, in accordance with  
21                   procedures established by the Secretary. The  
22                   Secretary shall provide an alternative procedure  
23                   for applicants who are unable to provide such  
24                   biometric data because of a physical impair-  
25                   ment.

1 “(F) BACKGROUND CHECKS.—

2 “(i) REQUIREMENT FOR BACKGROUND  
3 CHECKS.—The Secretary shall utilize bio-  
4 metric, biographic, and other data that the  
5 Secretary determines appropriate—

6 “(I) to conduct security and law  
7 enforcement background checks of an  
8 alien applying for removal of the con-  
9 ditional basis of the alien’s permanent  
10 resident status; and

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

16 “(ii) COMPLETION OF BACKGROUND  
17 CHECKS.—The security and law enforce-  
18 ment background checks of an alien re-  
19 quired under clause (i) shall be completed,  
20 to the satisfaction of the Secretary, before  
21 the date on which the Secretary removes  
22 the conditional basis of the alien’s perma-  
23 nent resident status.

24 “(2) TREATMENT FOR PURPOSES OF NATU-  
25 RALIZATION.—

1           “(A) IN GENERAL.—For purposes of title  
2           III of the Immigration and Nationality Act (8  
3           U.S.C. 1401 et seq.), an alien granted perma-  
4           nent resident status on a conditional basis shall  
5           be considered to have been admitted to the  
6           United States, and be present in the United  
7           States, as an alien lawfully admitted for perma-  
8           nent residence.

9           “(B) LIMITATION ON APPLICATION FOR  
10          NATURALIZATION.—An alien may not apply for  
11          naturalization while the alien is in permanent  
12          resident status on a conditional basis.

13         “(f) DOCUMENTATION REQUIREMENTS.—

14                 “(1) DOCUMENTS ESTABLISHING IDENTITY.—  
15                 An alien’s application for permanent resident status  
16                 on a conditional basis may include, as proof of iden-  
17                 tity—

18                         “(A) a passport or national identity docu-  
19                         ment from the alien’s country of origin that in-  
20                         cludes the alien’s name and the alien’s photo-  
21                         graph or fingerprint;

22                         “(B) the alien’s birth certificate and an  
23                         identity card that includes the alien’s name and  
24                         photograph;

1           “(C) a school identification card that in-  
2           cludes the alien’s name and photograph, and  
3           school records showing the alien’s name and  
4           that the alien is or was enrolled at the school;

5           “(D) a Uniformed Services identification  
6           card issued by the Department of Defense;

7           “(E) any immigration or other document  
8           issued by the United States Government bear-  
9           ing the alien’s name and photograph; or

10           “(F) a State-issued identification card  
11           bearing the alien’s name and photograph.

12           “(2) DOCUMENTS ESTABLISHING CONTINUOUS  
13           PHYSICAL PRESENCE IN THE UNITED STATES.—To  
14           establish that an alien has been continuously phys-  
15           ically present in the United States, as required  
16           under subsection (c)(2)(A)(i), or to establish that an  
17           alien has not abandoned residence in the United  
18           States, as required under subsection (e)(1)(A)(ii),  
19           the alien may submit documents to the Secretary,  
20           including—

21           “(A) employment records that include the  
22           employer’s name and contact information;

23           “(B) records from any educational institu-  
24           tion the alien has attended in the United  
25           States;

1           “(C) records of service from the Uniformed  
2 Services;

3           “(D) official records from a religious entity  
4 confirming the alien’s participation in a reli-  
5 gious ceremony;

6           “(E) passport entries;

7           “(F) a birth certificate for a child who was  
8 born in the United States;

9           “(G) automobile license receipts or reg-  
10 istration;

11           “(H) deeds, mortgages, or rental agree-  
12 ment contracts;

13           “(I) tax receipts;

14           “(J) insurance policies;

15           “(K) remittance records;

16           “(L) rent receipts or utility bills bearing  
17 the alien’s name or the name of an immediate  
18 family member of the alien, and the alien’s ad-  
19 dress;

20           “(M) copies of money order receipts for  
21 money sent in or out of the United States;

22           “(N) dated bank transactions; or

23           “(O) 2 or more sworn affidavits from indi-  
24 viduals who are not related to the alien who  
25 have direct knowledge of the alien’s continuous

1 physical presence in the United States, that  
2 contain—

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

5 “(ii) the nature and duration of the  
6 relationship between the affiant and the  
7 alien.

8 “(3) DOCUMENTS ESTABLISHING INITIAL  
9 ENTRY INTO THE UNITED STATES.—To establish  
10 under subsection (c)(2)(A)(ii) that an alien was  
11 younger than 18 years of age on the date on which  
12 the alien initially entered the United States, an alien  
13 may submit documents to the Secretary, including—

14 “(A) an admission stamp on the alien’s  
15 passport;

16 “(B) records from any educational institu-  
17 tion the alien has attended in the United  
18 States;

19 “(C) any document from the Department  
20 of Justice or the Department of Homeland Se-  
21 curity stating the alien’s date of entry into the  
22 United States;

23 “(D) hospital or medical records showing  
24 medical treatment or hospitalization, the name

1 of the medical facility or physician, and the  
2 date of the treatment or hospitalization;

3 “(E) rent receipts or utility bills bearing  
4 the alien’s name or the name of an immediate  
5 family member of the alien, and the alien’s ad-  
6 dress;

7 “(F) employment records that include the  
8 employer’s name and contact information;

9 “(G) official records from a religious entity  
10 confirming the alien’s participation in a reli-  
11 gious ceremony;

12 “(H) a birth certificate for a child who was  
13 born in the United States;

14 “(I) automobile license receipts or registra-  
15 tion;

16 “(J) deeds, mortgages, or rental agreement  
17 contracts;

18 “(K) tax receipts;

19 “(L) travel records;

20 “(M) copies of money order receipts sent  
21 in or out of the country;

22 “(N) dated bank transactions;

23 “(O) remittance records; or

24 “(P) insurance policies.

1           “(4) DOCUMENTS ESTABLISHING ADMISSION TO  
2 AN INSTITUTION OF HIGHER EDUCATION.—To es-  
3 tablish that an alien has been admitted to an institu-  
4 tion of higher education, the alien shall submit to  
5 the Secretary a document from the institution of  
6 higher education certifying that the alien—

7                   “(A) has been admitted to the institution;

8                   or

9                   “(B) is currently enrolled in the institution  
10 as a student.

11           “(5) DOCUMENTS ESTABLISHING RECEIPT OF A  
12 DEGREE FROM AN INSTITUTION OF HIGHER EDU-  
13 CATION.—To establish that an alien has acquired a  
14 degree from an institution of higher education in the  
15 United States, the alien shall submit to the Sec-  
16 retary a diploma or other document from the institu-  
17 tion stating that the alien has received such a de-  
18 gree.

19           “(6) DOCUMENTS ESTABLISHING RECEIPT OF  
20 HIGH SCHOOL DIPLOMA, GENERAL EDUCATIONAL  
21 DEVELOPMENT CERTIFICATE, OR A RECOGNIZED  
22 EQUIVALENT.—To establish that an alien has earned  
23 a high school diploma or a commensurate alternative  
24 award from a public or private high school, or has  
25 obtained a general educational development certifi-

1       cate recognized under State law or a high school  
2       equivalency diploma in the United States, the alien  
3       shall submit to the Secretary—

4               “(A) a high school diploma, certificate of  
5       completion, or other alternate award;

6               “(B) a high school equivalency diploma or  
7       certificate recognized under State law; or

8               “(C) evidence that the alien passed a  
9       State-authorized exam, including the general  
10      educational development exam, in the United  
11      States.

12              “(7) DOCUMENTS ESTABLISHING ENROLLMENT  
13      IN AN EDUCATIONAL PROGRAM.—To establish that  
14      an alien is enrolled in any school or education pro-  
15      gram described in subsection (c)(2)(A)(iv)(III),  
16      (c)(4)(C)(i)(III), or (e)(1)(A)(iii), the alien shall  
17      submit school records from the United States school  
18      that the alien is currently attending that include—

19                      “(A) the name of the school; and

20                      “(B) the alien’s name, periods of attend-  
21      ance, and current grade or educational level.

22              “(8) DOCUMENTS ESTABLISHING EXEMPTION  
23      FROM APPLICATION FEES.—To establish that an  
24      alien is exempt from an application fee under sub-  
25      section (c)(2)(E)(ii) or (e)(1)(D)(ii), the alien shall

1 submit to the Secretary the following relevant docu-  
2 ments:

3 “(A) DOCUMENTS TO ESTABLISH AGE.—

4 To establish that an alien meets an age require-  
5 ment, the alien shall provide proof of identity,  
6 as described in paragraph (1), that establishes  
7 that the alien is younger than 18 years of age.

8 “(B) DOCUMENTS TO ESTABLISH IN-  
9 COME.—To establish the alien’s income, the  
10 alien shall provide—

11 “(i) employment records that have  
12 been maintained by the Social Security Ad-  
13 ministration, the Internal Revenue Service,  
14 or any other Federal, State, or local gov-  
15 ernment agency;

16 “(ii) bank records; or

17 “(iii) at least 2 sworn affidavits from  
18 individuals who are not related to the alien  
19 and who have direct knowledge of the  
20 alien’s work and income that contain—

21 “(I) the name, address, and tele-  
22 phone number of the affiant; and

23 “(II) the nature and duration of  
24 the relationship between the affiant  
25 and the alien.

1                   “(C) DOCUMENTS TO ESTABLISH FOSTER  
2 CARE, LACK OF FAMILIAL SUPPORT, HOMELESS-  
3 NESS, OR SERIOUS, CHRONIC DISABILITY.—To  
4 establish that the alien was in foster care, lacks  
5 parental or familial support, is homeless, or has  
6 a serious, chronic disability, the alien shall pro-  
7 vide at least 2 sworn affidavits from individuals  
8 who are not related to the alien and who have  
9 direct knowledge of the circumstances that con-  
10 tain—

11                   “(i) a statement that the alien is in  
12 foster care, otherwise lacks any parental or  
13 other familiar support, is homeless, or has  
14 a serious, chronic disability, as appro-  
15 priate;

16                   “(ii) the name, address, and telephone  
17 number of the affiant; and

18                   “(iii) the nature and duration of the  
19 relationship between the affiant and the  
20 alien.

21                   “(D) DOCUMENTS TO ESTABLISH UNPAID  
22 MEDICAL EXPENSE.—To establish that the alien  
23 has debt as a result of unreimbursed medical  
24 expenses, the alien shall provide receipts or

1 other documentation from a medical provider  
2 that—

3 “(i) bear the provider’s name and ad-  
4 dress;

5 “(ii) bear the name of the individual  
6 receiving treatment; and

7 “(iii) document that the alien has ac-  
8 cumulated \$10,000 or more in debt in the  
9 past 12 months as a result of unreim-  
10 bursed medical expenses incurred by the  
11 alien or an immediate family member of  
12 the alien.

13 “(9) DOCUMENTS ESTABLISHING QUALIFICA-  
14 TION FOR HARDSHIP EXEMPTION.—To establish that  
15 an alien satisfies 1 of the criteria for the hardship  
16 exemption set forth in subsection (e)(1)(B)(i)(III),  
17 the alien shall submit to the Secretary at least 2  
18 sworn affidavits from individuals who are not related  
19 to the alien and who have direct knowledge of the  
20 circumstances that warrant the exemption, that con-  
21 tain—

22 “(A) the name, address, and telephone  
23 number of the affiant; and

24 “(B) the nature and duration of the rela-  
25 tionship between the affiant and the alien.

1           “(10) DOCUMENTS ESTABLISHING SERVICE IN  
2           THE UNIFORMED SERVICES.—To establish that an  
3           alien has served in the Uniformed Services for at  
4           least 2 years and, if discharged, received an honor-  
5           able discharge, the alien shall submit to the Sec-  
6           retary—

7                   “(A) a Department of Defense form DD-  
8                   214;

9                   “(B) a National Guard Report of Separation and Record of Service form 22;

11                   “(C) personnel records for such service from the appropriate Uniformed Service; or

13                   “(D) health records from the appropriate Uniformed Service.

15           “(11) DOCUMENTS ESTABLISHING EMPLOYMENT.—

17                   “(A) IN GENERAL.—An alien may satisfy the employment requirement under subsection (e)(1)(A)(iii)(III) by submitting records that—

20                           “(i) establish compliance with such employment requirement; and

22                           “(ii) have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

1           “(B) OTHER DOCUMENTS.—An alien who  
2           is unable to submit the records described in  
3           subparagraph (A) may satisfy the employment  
4           requirement by submitting at least 2 types of  
5           reliable documents that provide evidence of em-  
6           ployment, including—

7                     “(i) bank records;

8                     “(ii) business records;

9                     “(iii) employer records;

10                    “(iv) records of a labor union, day  
11                    labor center, or organization that assists  
12                    workers in employment;

13                    “(v) sworn affidavits from individuals  
14                    who are not related to the alien and who  
15                    have direct knowledge of the alien’s work,  
16                    that contain—

17                             “(I) the name, address, and tele-  
18                             phone number of the affiant; and

19                             “(II) the nature and duration of  
20                             the relationship between the affiant  
21                             and the alien; and

22                             “(vi) remittance records.

23           “(12) AUTHORITY TO PROHIBIT USE OF CER-  
24           TAIN DOCUMENTS.—If the Secretary determines,  
25           after publication in the Federal Register and an op-

1 portunity for public comment, that any document or  
2 class of documents does not reliably establish iden-  
3 tity or that permanent resident status on a condi-  
4 tional basis is being obtained fraudulently to an un-  
5 acceptable degree, the Secretary may prohibit or re-  
6 strict the use of such document or class of docu-  
7 ments.

8 “(g) RULEMAKING.—

9 “(1) INITIAL PUBLICATION.—Not later than 90  
10 days after the date of the enactment of this section,  
11 the Secretary shall publish regulations implementing  
12 this section in the Federal Register. Such regula-  
13 tions shall allow eligible individuals to immediately  
14 apply affirmatively for the relief available under sub-  
15 section (c) without being placed in removal pro-  
16 ceedings.

17 “(2) INTERIM REGULATIONS.—Notwithstanding  
18 section 553 of title 5, United States Code, the regu-  
19 lations published pursuant to paragraph (1) shall be  
20 effective, on an interim basis, immediately upon pub-  
21 lication in the Federal Register, but may be subject  
22 to change and revision after public notice and oppor-  
23 tunity for a period of public comment.

24 “(3) FINAL REGULATIONS.—Not later than 180  
25 days after the date on which interim regulations are

1 published under this subsection, the Secretary shall  
2 publish final regulations implementing this section.

3 “(4) PAPERWORK REDUCTION ACT.—The re-  
4 quirements under chapter 35 of title 44, United  
5 States Code, (commonly known as the ‘Paperwork  
6 Reduction Act’) shall not apply to any action to im-  
7 plement this section.

8 “(h) CONFIDENTIALITY OF INFORMATION.—

9 “(1) IN GENERAL.—The Secretary may not dis-  
10 close or use information provided in applications  
11 filed under this section or in requests for DACA for  
12 the purpose of immigration enforcement.

13 “(2) REFERRALS PROHIBITED.—The Secretary  
14 may not refer any individual who has been granted  
15 permanent resident status on a conditional basis or  
16 who was granted DACA to U.S. Immigration and  
17 Customs Enforcement, U.S. Customs and Border  
18 Protection, or any designee of either such entity.

19 “(3) LIMITED EXCEPTION.—Notwithstanding  
20 paragraph (1) and (2), information provided in an  
21 application for permanent resident status on a con-  
22 ditional basis or a request for DACA may be shared  
23 with Federal security and law enforcement agen-  
24 cies—

1           “(A) for assistance in the consideration of  
2           an application for permanent resident status on  
3           a conditional basis;

4           “(B) to identify or prevent fraudulent  
5           claims;

6           “(C) for national security purposes; or

7           “(D) for the investigation or prosecution of  
8           any felony not related to immigration status.

9           “(4) PENALTY.—Any person who knowingly  
10          uses, publishes, or permits information to be exam-  
11          ined in violation of this subsection shall be fined not  
12          more than \$10,000.”.

13 **SEC. 8. RESTORATION OF STATE OPTION TO DETERMINE**  
14                   **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
15                   **CATION BENEFITS.**

16          (a) IN GENERAL.—Section 505 of the Illegal Immi-  
17          gration Reform and Immigrant Responsibility Act of 1996  
18          (8 U.S.C. 1623) is repealed.

19          (b) EFFECTIVE DATE.—The repeal under subsection  
20          (a) shall take effect as if included in the original enact-  
21          ment of the Illegal Immigration Reform and Immigrant  
22          Responsibility Act of 1996 (division C of Public Law 104–  
23          208; 110 Stat. 3009–546).

