

AMENDMENT TO H.R. 6136
OFFERED BY MR. MCGOVERN OF MASSACHU-
SETTS AND MS. VELÁZQUEZ OF NEW YORK

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Promise Act
3 of 2017”.

4 **SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN NON-IMMI-**
5 **GRANT NATIONALS GRANTED TEMPORARY**
6 **PROTECTED STATUS OR DEFERRED EN-**
7 **FORCED DEPARTURE.**

8 Title II of the Immigration and Nationality Act (8
9 U.S.C. 1101 et seq.) is amended by inserting after section
10 244 the following (and amending the table of contents ac-
11 cordingly):

12 **“SEC. 244A. ADJUSTMENT OF STATUS FOR CERTAIN NA-**
13 **TIONALS IN RECEIPT OF TEMPORARY PRO-**
14 **TECTED STATUS OR DEFERRED ENFORCED**
15 **DEPARTURE.**

16 “(a) IN GENERAL.—The status of any alien described
17 in subsection (c) shall be adjusted by the Secretary of

1 Homeland Security to that of an alien lawfully admitted
2 for permanent residence, if the alien—

3 “(1) applies for such adjustment within 3 years
4 after the date of enactment of this section;

5 “(2) is determined to be admissible to the
6 United States for permanent residence; and

7 “(3) meets the criteria established under sub-
8 section (c)

9 “(b) CERTAIN GROUNDS FOR INADMISSIBILITY INAP-
10 PLICABLE.—

11 “(1) IN GENERAL.—For purposes of deter-
12 mining admissibility under subsection (a)(2), the
13 grounds for inadmissibility specified in paragraphs
14 (4), (5), (6)(A), and (7)(A) of section 212(a) of the
15 Immigration and Nationality Act shall not apply.

16 “(2) ADDITIONAL WAIVER FOR INDIVIDUAL
17 ALIENS.—The Secretary may waive any other provi-
18 sion of section 212(a) in the case of an individual
19 alien for humanitarian purposes, to assure family
20 unity, or when it is otherwise in the public interest.

21 “(c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
22 TUS.—An alien shall be eligible for adjustment of status
23 if the alien—

24 “(1) is a national of a country (or part of a
25 country) with a designation under 244(b) of the Im-

1 migration and Nationality Act during the period
2 specified in section 244(b)(2) and who was granted
3 temporary protected status, or was otherwise eligible
4 for temporary protected status, on or before October
5 1, 2017, or has been granted Deferred Enforced De-
6 parture (hereinafter in this section referred to as
7 ‘DED’) on or before October 1, 2017; and

8 “(2) has been continuously physically present in
9 the United States for a period of not less than 3
10 years since the effective date of this Act’s enact-
11 ment.

12 “(d) WAIVER AUTHORIZED.—Notwithstanding any
13 provision of the Immigration and Nationality Act, an alien
14 who fails to meet the continuous physical presence require-
15 ment under paragraph (2) of subsection (c) shall be con-
16 sidered eligible for status adjustment as provided in this
17 section if the Attorney General or the Secretary deter-
18 mines that the removal of the alien from the United States
19 would result in extreme hardship to the alien, their spouse,
20 their children, their parents, or their domestic partner.

21 “(e) EFFECT OF APPLICATION ON CERTAIN OR-
22 DERS.—An alien present in the United States who has
23 been ordered removed or has been granted voluntary de-
24 parture from the United States may, notwithstanding
25 such order, apply for adjustment of status under this sec-

1 tion. Such alien shall not be required to file a separate
2 motion to reopen, reconsider, or vacate the order of re-
3 moval. If the Secretary approves the application, the Sec-
4 retary shall cancel the order of removal. If the Secretary
5 renders a final administrative decision to deny the applica-
6 tion, the order of removal shall be effective and enforce-
7 able to the same extent as if the application had not been
8 made.

9 “(f) WORK AUTHORIZATION.—The Secretary shall
10 authorize an alien who has applied for adjustment of sta-
11 tus under this section to engage in employment in the
12 United States during the pendency of such application and
13 shall provide the alien with an appropriate document signi-
14 fying authorization of employment.

15 “(g) ADJUSTMENT OF STATUS FOR CERTAIN FAMILY
16 MEMBERS.—

17 “(1) IN GENERAL.—The status of an alien shall
18 be adjusted by the Secretary to that of an alien law-
19 fully admitted for permanent residence if the alien—

20 “(A) is the spouse, parent, or unmarried
21 son or daughter of an alien whose status is ad-
22 justed under this section;

23 “(B) applies for adjustment under this sec-
24 tion within 3 years after the date of enactment
25 of this Act; and

1 “(C) is determined to be admissible to the
2 United States for permanent residence.

3 “(2) CERTAIN GROUNDS FOR INADMISSIBILITY
4 INAPPLICABLE.—For purposes of determining ad-
5 missibility under subsection (g)(1)(C), the grounds
6 for inadmissibility specified in paragraphs (4), (5),
7 (6)(A), and (7)(A) of section 212(a) shall not apply.

8 “(h) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
9 The Secretary shall provide to aliens applying for adjust-
10 ment of status under this section the same right to, and
11 procedures for, administrative review as are provided to—

12 “(1) applicants for adjustment of status under
13 section 245; or

14 “(2) aliens subject to removal proceedings
15 under section 240.

16 “(i) NO OFFSET IN NUMBER OF VISAS AVAIL-
17 ABLE.—The granting of adjustment of status under this
18 section shall not reduce the number of immigrant visas
19 authorized to be issued under any provision of the Immi-
20 gration and Nationality Act.

21 “(j) TREATMENT OF BRIEF, CASUAL, AND INNOCENT
22 DEPARTURES AND CERTAIN OTHER ABSENCES.—An
23 alien who has failed to maintain the 3-year continuous
24 physical presence requirement under subsection (c) be-
25 cause of brief, casual, and innocent departures or, emer-

1 gency travel, or extenuating circumstances outside of the
2 control of the alien, shall not be considered to have failed
3 to maintain continuous physical presence in the United
4 States.

5 “(k) RULE OF CONSTRUCTION.—Nothing in this Act
6 shall be construed to include aliens (as a class or indi-
7 vidual basis) from previously designated countries that no
8 longer have valid temporary protected status designation
9 under section 244(b), or aliens who no longer have a valid
10 deferred enforced departure status, unless such designated
11 status or previously deferred enforced departure expires
12 on or after January 1, 2017.

13 “(l) DEFINITIONS.—In this section:

14 “(1) The term ‘domestic partner’ means an
15 adult of at least 18 years of age in a committed rela-
16 tionship with the alien applying for adjustment. A
17 committed relationship is one in which the employee
18 and the domestic partner of the employee are each
19 other’s sole domestic partner (and are not married
20 to or domestic partners with anyone else) and share
21 responsibility for a significant measure of each oth-
22 er’s common welfare and financial obligations. This
23 includes, but is not limited to, any relationship be-
24 tween two individuals of the same or opposite sex
25 that is granted legal recognition by a State or by the

1 District of Columbia as a marriage or analogous re-
2 lationship (including, but not limited to, a civil
3 union).

4 “(2) The term ‘provide for its repatriated citi-
5 zens’ means a country’s ability to provide safety,
6 and social safety net services, including preventive
7 healthcare services, and housing.

8 “(3) The term ‘Deferred Enforced Departure’
9 or ‘DED’ refers to the presidential directive issued
10 on September 28, 2016.”.

11 **SEC. 3. REPORTING REQUIREMENTS REGARDING FUTURE**
12 **DISCONTINUED ELIGIBILITY OF ALIENS**
13 **FROM COUNTRIES CURRENTLY LISTED**
14 **UNDER TEMPORARY PROTECTED STATUS.**

15 (a) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-
16 tion 244(b)(3) of the Immigration and Nationality Act (8
17 U.S.C. 1254a(b)(3)) is amended by adding at the end, the
18 following:

19 “(D) **REPORT ON TERMINATIONS.**—Within
20 3 days after the Attorney General’s announce-
21 ment, including by notice in the Federal Reg-
22 ister, of a country’s designation being termi-
23 nated from Temporary Protected Status, the
24 Attorney General shall submit to the Committee

1 on the Judiciary of the Senate and the House
2 Judiciary Committee a report that includes—

3 “(i) an explanation of the event or
4 events that initially prompted a country’s
5 designation under temporary protected sta-
6 tus;

7 “(ii) the progress the country has
8 made in remedying the designation speci-
9 fied in clause (i), including any significant
10 challenges or shortcomings that have not
11 been addressed since the initial designa-
12 tion;

13 “(iii) an analysis, with applicable and
14 relevant metrics as determined by the Sec-
15 retary, of the country’s ability to repatriate
16 its nationals, including—

17 “(I) the country’s financial abil-
18 ity to provide for its repatriated citi-
19 zens;

20 “(II) the country’s financial abil-
21 ity to address the initial designation
22 specified in clause (i) without foreign
23 assistance;

24 “(III) the country’s gross domes-
25 tic product, gross domestic product

1 per capita, and an analysis of the
2 country's ability to be economically
3 self-sufficient without foreign assist-
4 ance;

5 “(IV) the economic and social
6 impact repatriation of nationals in
7 possession of temporary protected sta-
8 tus would have on the recipient coun-
9 try; and

10 “(V) any additional metrics the
11 Secretary deems necessary.”

12 **SEC. 4. ADJUSTMENT OF RELATION OF PERIOD OF TEM-**
13 **PORARY PROTECTED STATUS TO CANCELLA-**
14 **TION OF REMOVAL.**

15 Section 244(e) of the Immigration and Nationality
16 Act (8 U.S.C.1254a(e)) is amended—

17 (1) by striking “With respect to an alien” and
18 inserting the following:

19 “(1) IN GENERAL.—With respect to an alien”;
20 and

21 (2) by adding at the end, the following:

22 “(2) WAIVER FOR CERTAIN TEMPORARY PRO-
23 TECTED STATUS HOLDERS.—The provisions in sub-
24 section (e) shall not apply to an Alien who is eligible

1 for adjustment of status pursuant to section 244A
2 of the Immigration and Nationality Act.”.

3 **SEC. 5. ELIGIBILITY FOR NATURALIZATION.**

4 (a) IN GENERAL.—Notwithstanding sections 319(b),
5 328, and 329 of the Immigration and Nationality Act (8
6 U.S.C. 1430(b), 1439, and 1440), an alien whose status
7 is adjusted under section 244A of the Immigration and
8 Nationality Act to that of an alien lawfully admitted for
9 permanent residence may apply for naturalization under
10 chapter 2 of title III of the Immigration and Nationality
11 Act (8 U.S.C. 1421 et seq.) not earlier than 5 years after
12 such adjustment of status.

13 (b) LANGUAGE REQUIREMENT WAIVER.—Section
14 312(b)(2) of the Immigration and Nationality Act (8
15 U.S.C. 1423(b)(2)) is amended—

16 (1) in subparagraph (A), by adding “or” at the
17 end;

18 (2) in subparagraph (B), by striking the period
19 and inserting “; or”; and

20 (3) by adding at the end the following:

21 “(C) is an alien in receipt of status adjust-
22 ment under section 244A of the Immigration
23 and Nationality Act.”.

