

**AMENDMENT TO H.R. 8146, AS REPORTED
OFFERED BY MR. VASQUEZ OF NEW MEXICO**

Add at the end of the bill the following:

1 SEC. 4. CONDITIONAL LAWFUL PERMANENT RESIDENCY.

2 (a) IN GENERAL.—The Secretary may adjust the sta-
3 tus of an alien to that of a conditional lawful permanent
4 resident in accordance with this section.

5 (b) STATUS DEFINED.—For purposes of this section,
6 the term “conditional lawful permanent resident” means
7 a status as a nonimmigrant with a period of stay of 2
8 years, with employment authorization to be provided con-
9 currently.

10 (c) ELIGIBILITY.—An alien is eligible for adjustment
11 of status if that alien—

12 (1) submits an application, at such time, in
13 such form, and containing such information as the
14 Secretary may require;

15 (2) pays such fee as the Secretary may estab-
16 lish;

17 (3) is present in the United States as of Janu-
18 ary 1, 2023—

19 (A) without lawful status under the immi-
20 gration laws;

1 (B) with deferred action granted to the
2 alien pursuant to the Deferred Action for Child-
3 hood Arrivals program announced by President
4 Obama on June 15, 2012; or

5 (C) with status as a nonimmigrant that
6 has employment authorization;

7 (4) has been continuously present in the United
8 States during the period beginning on January 1,
9 2023, through the date of the application for status;

10 (5) has been employed for a cumulative period
11 of one hundred days (consecutive or not) at any
12 time, in a covered profession; and

13 (6) is not inadmissible under paragraph (1),
14 (6)(E), (6)(G), (8), or (10) of section 212(a) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1182(a)), except that with respect to any benefit
17 under this Act, and in addition to the waivers under
18 subsection (g), the Secretary may waive the grounds
19 of inadmissibility under paragraph (1), (6)(E),
20 (6)(G), or (10)(D) of section 212(a) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-
22 manitarian purposes, for family unity, or because
23 the waiver is otherwise in the public interest;

1 (d) CONDITIONS OF STATUS.—An alien granted con-
2 ditional lawful permanent resident status under this sec-
3 tion shall conform to the following requirements:

4 (1) The alien shall remain continuously phys-
5 ically present in the United States.

6 (2) The alien shall maintain not less than one
7 hundred cumulative days of annual employment for
8 two consecutive years in a covered profession.

9 (3) The alien shall be subject to all grounds of
10 deportability under section 237.

11 (e) ADJUSTMENT OF STATUS.—At the time that the
12 conditional lawful permanent resident status of an alien
13 terminates, the Secretary shall immediately adjust the sta-
14 tus of that alien to that of a lawful permanent resident—

15 (1) unless the alien makes a timely objection in
16 writing; and

17 (2) if the alien pays such fee as the Secretary
18 may establish and passes an additional background
19 investigation.

20 (f) NOT SUBJECT TO NUMERICAL LIMITATIONS.—An
21 alien whose status is adjusted to that of an alien lawfully
22 admitted for permanent residency under this section is not
23 subject to the worldwide levels or numerical limitations of
24 section 201(a) of the Immigration and Nationality Act.

25 (g) CRIMINAL AND NATIONAL SECURITY BARS.—

1 (1) GROUNDS OF INELIGIBILITY.—Except as
2 provided in paragraph (2), an alien is ineligible for
3 adjustment of status under this title if any of the
4 following apply:

5 (A) The alien is inadmissible under para-
6 graph (2) or (3) of section 212(a) of the Immi-
7 gration and Nationality Act (8 U.S.C. 1182(a)).

8 (B) Excluding any offense under State law
9 for which an essential element is the alien's im-
10 migration status, and any minor traffic offense,
11 the alien has been convicted of—

12 (i) any felony offense;

13 (ii) three or more misdemeanor of-
14 fenses (excluding simple possession of can-
15 nabis or cannabis-related paraphernalia,
16 any offense involving cannabis or cannabis-
17 related paraphernalia which is no longer
18 prosecutable in the State in which the con-
19 viction was entered, and any offense involv-
20 ing civil disobedience without violence) not
21 occurring on the same date, and not aris-
22 ing out of the same act, omission, or
23 scheme of misconduct; or

24 (iii) a misdemeanor offense of domes-
25 tic violence, unless the alien demonstrates

1 that such crime is related to the alien hav-
2 ing been—

3 (I) a victim of domestic violence,
4 sexual assault, stalking, child abuse or
5 neglect, abuse or neglect in later life,
6 or human trafficking;

7 (II) battered or subjected to ex-
8 treme cruelty; or

9 (III) a victim of criminal activity
10 described in section 101(a)(15)(U)(iii)
11 of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(15)(U)(iii)).

13 (2) WAIVERS FOR CERTAIN MISDEMEANORS.—
14 For humanitarian purposes, family unity, or if oth-
15 erwise in the public interest, the Secretary may—

16 (A) waive the grounds of inadmissibility
17 under subparagraphs (A), (C), and (D) of sec-
18 tion 212(a)(2) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1182(a)(2)), unless the con-
20 viction forming the basis for inadmissibility
21 would otherwise render the alien ineligible
22 under paragraph (1)(B) (subject to subpara-
23 graph (B)); and

24 (B) for purposes of clauses (ii) and (iii) of
25 paragraph (1)(B), waive consideration of—

1 (i) one misdemeanor offense if the
2 alien has not been convicted of any offense
3 in the 5-year period preceding the date on
4 which the alien applies for adjustment of
5 status under this title; or

6 (ii) up to two misdemeanor offenses if
7 the alien has not been convicted of any of-
8 fense in the 10-year period preceding the
9 date on which the alien applies for adjust-
10 ment of status under this title.

11 (3) DEFINITIONS.—For purposes of this sub-
12 section—

13 (A) the term “felony offense” means an of-
14 fense under Federal or State law that is pun-
15 ishable by a maximum term of imprisonment of
16 more than 1 year;

17 (B) the term “misdemeanor offense”
18 means an offense under Federal or State law
19 that is punishable by a term of imprisonment of
20 more than 5 days but not more than 1 year;
21 and

22 (C) the term “crime of domestic violence”
23 means any offense that has as an element the
24 use, attempted use, or threatened use of phys-
25 ical force against a person committed by a cur-

1 rent or former spouse of the person, by an indi-
2 vidual with whom the person shares a child in
3 common, by an individual who is cohabiting
4 with or has cohabited with the person as a
5 spouse, by an individual similarly situated to a
6 spouse of the person under the domestic or
7 family violence laws of the jurisdiction where
8 the offense occurs, or by any other individual
9 against a person who is protected from that in-
10 dividual’s acts under the domestic or family vio-
11 lence laws of the United States or any State,
12 Indian Tribal government, or unit of local gov-
13 ernment.

14 (h) DEFINITIONS.—For purposes of this section:

15 (1) IN GENERAL.—Terms used have the mean-
16 ings given such terms in section 101 of the Immi-
17 gration and Nationality Act.

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

20 (3) COVERED PROFESSION DEFINED.—For pur-
21 poses of this section, the term “covered profession”
22 means the following:

23 (A) Health care.

24 (B) Emergency response.

25 (C) Energy.

1 (D) Education, including early education.

2 (E) Sanitation.

3 (F) Restaurant ownership, food prepara-
4 tion, vending, catering, food packaging, food
5 services, or delivery.

6 (G) Hotel or retail.

7 (H) Fish, poultry, and meat processing
8 work.

9 (I) Agricultural work, including labor that
10 is seasonal in nature.

11 (J) Commercial or residential landscaping.

12 (K) Commercial or residential construction
13 or renovation.

14 (L) Housing, residential, and commercial
15 construction related activities or public works
16 construction.

17 (M) Domestic work in private households,
18 including child care, home care, or house clean-
19 ing.

20 (N) Natural disaster recovery, disaster re-
21 construction, and related construction.

22 (O) Home and community-based work, in-
23 cluding—

24 (i) home health care;

25 (ii) residential care;

1 (iii) assistance with activities of daily
2 living;

3 (iv) any service provided by direct
4 care workers (as defined in section 799B
5 of the Public Health Service Act (42
6 U.S.C. 295p)), personal care aides, job
7 coaches, or supported employment pro-
8 viders; and

9 (v) any other provision of care to indi-
10 viduals in their homes by direct service
11 providers, personal care attendants, and
12 home health aides.

13 (P) Family care, including child care serv-
14 ices, in-home child care services such as nanny
15 services, and care services provided by family
16 members to other family members.

17 (Q) Manufacturing.

18 (R) Warehousing.

19 (S) Transportation or logistics.

20 (T) Janitorial.

21 (U) Laundromat and dry-cleaning opera-
22 tors.

23 (V) Any other work performed by “essen-
24 tial critical infrastructure workers”, as de-
25 scribed in the memorandum of the Department

1 of Homeland Security entitled “Advisory Memo-
2 randum on Ensuring Essential Critical Infra-
3 structure Workers Ability to Work During the
4 COVID–19 Response”, which was originally
5 issued by the Director of the Cybersecurity and
6 Infrastructure Security Agency on March 19,
7 2020, and last updated on August 10, 2021.

8 (W) Any other work, industry, or profes-
9 sion that a State or local government deemed
10 essential during the COVID–19 Public Health
11 Emergency.

12 (X) Workers who are employed in any of
13 the listed professions who do so remotely or hy-
14 brid.

