

File No. 190550

Committee Item No. _____

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: May 21, 2019

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
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<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>U.S. House Resolution No. 6 - 03/12/19</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>San Francisco Labor Council Resolution - 04/08/19</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____
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Prepared by: Lisa Lew

Date: May 17, 2019

Prepared by: _____

Date: _____

1 [Supporting United States House Resolution No. 6 (Roybal-Allard) - American Dream and
2 Promise Act of 2019]

3 **Resolution supporting United States House Resolution No. 6, authored by United**
4 **States Representative Lucille Roybal-Allard, the American Dream and Promise Act of**
5 **2019, which would protect beneficiaries of Deferred Action for Childhood Arrivals,**
6 **Temporary Protected Status, and Deferred Enforced Departure against deportation and**
7 **provide a path to permanent residency.**

8
9 WHEREAS, More than 1.1 million hardworking men and women stand to lose their
10 work authorization and legal status in this country unless Congress takes steps to defend
11 Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and
12 Deferred Enforced Departure (DED), whose protections have been canceled by the Trump
13 Administration; and

14 WHEREAS, Our entire workforce benefits from these programs that allow people to live
15 and work without fear in our country, and we will all be harmed if these workers lose their
16 status; and

17 WHEREAS, There are more than 800,000 DACA recipients in this country who have
18 grown up here, gone to school and even served in the military; and

19 WHEREAS, There are more than 320,000 TPS holders who have been working,
20 paying taxes, contributing to our economy and are members of labor unions; many have lived
21 here for decades; purchased homes and raised families that include U.S.-born children; and

22 WHEREAS, Without legislative action for permanent solutions, more than 300,000 TPS
23 and DED holders could be uprooted this year, including those from South Sudan in May,
24 Nepal in June, Haiti in July and El Salvador in September; and

1 WHEREAS, TPS is a successful program that serves important humanitarian purposes
2 while helping to raise wages, support a stable workforce and reduce exploitation; and

3 WHEREAS, Studies have shown that TPS holders have a workforce participation rate
4 of 88.5 percent, with particular concentrations in construction and service industries; and

5 WHEREAS, Terminating these protections would separate families, force workers into
6 the shadows, and cause far-reaching harm in worksites and industries across the country; and

7 WHEREAS, Termination of TPS would lead to an estimated \$45 billion reduction in
8 gross domestic product, an immediate \$69 billion reduction in tax contributions and an
9 estimated \$1 billion in employer costs; and

10 WHEREAS, Ending TPS protections will only serve to expand the pool of vulnerable
11 workers in our labor market and force a growing number of immigrants and union members to
12 work under a cloud of fear; stripping status and work permits from long-term, taxpaying
13 members of our society is not in the interests of working people; and

14 WHEREAS, The American Dream and Promise Act of 2019 would provide protections
15 from deportation and offer a well-earned path to permanent residency to hardworking people
16 who have played by the rules for decades; now, therefore, be it

17 RESOLVED, That the City and County of San Francisco stands in solidarity with
18 beneficiaries of DACA, TPD, and DED by endorsing House Resolution No. 6 (H.R. 6), the
19 American Dream and Promise Act of 2019; and, be it

20 FURTHER RESOLVED, That the City and County of San Francisco will notify its
21 congressional representatives and senators of this endorsement, and urge them to co-
22 sponsor H.R. 6; and, be it

23 FURTHER RESOLVED, That the City and County of San Francisco encourages all
24 residents to contact their congressional representatives and senators to encourage them to
25 support and co-sponsor H.R. 6.

116TH CONGRESS
1ST SESSION

H. R. 6

To authorize the cancellation of removal and adjustment of status of certain
aliens, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 2019

Ms. ROYBAL-ALLARD (for herself, Ms. VELÁZQUEZ, Ms. CLARKE of New York, Mr. AGUIAR, Ms. BARRAGÁN, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CASTRO of Texas, Mr. CISNEROS, Mr. CORREA, Mr. COSTA, Ms. ESCOBAR, Mr. ESPAILLAT, Mr. GALLEGO, Mr. GARCÍA of Illinois, Ms. GARCIA of Texas, Mr. GOMEZ, Mr. GONZALEZ of Texas, Mr. GRIJALVA, Mr. LEVIN of California, Mr. LUJÁN, Ms. MUCARSEL-POWELL, Mrs. NAPOLITANO, Ms. OCASIO-CORTEZ, Mr. RUIZ, Mr. SABLAN, Mr. SAN NICOLAS, Ms. SÁNCHEZ, Mr. SERRANO, Mr. SIRES, Mr. SOTO, Ms. TORRES SMALL of New Mexico, Mrs. TORRES of California, Mrs. TRAHAN, Mr. VARGAS, Mr. VELA, Ms. ADAMS, Mr. ALLRED, Ms. BASS, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CASTEN of Illinois, Ms. CASTOR of Florida, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. COOPER, Mr. COURTNEY, Mr. COX of California, Mr. CRIST, Mr. CROW, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DELGADO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mrs. FLETCHER, Ms. FRANKEL, Ms. FUDGE, Ms. GABBARD, Mr. GARAMENDI, Mr. GREEN of Texas, Ms. HAALAND, Mr. HARDER of California, Mr. HASTINGS, Mrs. HAYES, Mr. HECK, Mr. HIGGINS of New York, Ms. HILL of California, Mr. HIMES, Mr. HORSFORD, Ms. HOUJIAHAN, Mr. HOYER, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JEFFRIES, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM, Mr. KIND, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Mr. LAWSON of Florida, Ms. LEE of California, Mrs. LEE of Nevada, Mr.

LEVIN of Michigan, Mr. LEWIS, Mr. TED LIEU of California, Mr. LIPINSKI, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mrs. LURIA, Mr. MAJINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mr. NEAL, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Mr. O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PAPPAS, Mr. PASCRELL, Mr. PAYNE, Ms. PELOSI, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Ms. PRESSLEY, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Mr. RICHMOND, Mr. ROUDA, Mr. RUPERSBERGER, Mr. RUSH, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRADER, Ms. SCHRIER, Mr. SCOTT of Virginia, Ms. SEWELL of Alabama, Ms. SHALALA, Mr. SHERMAN, Mr. SMITH of Washington, Mr. STANTON, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Ms. TLAIB, Mr. TONKO, Mr. TRONE, Ms. UNDERWOOD, Mr. VEASEY, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WEXTON, Ms. WILD, Ms. WILSON of Florida, Mr. YARMUTH, and Mr. CUELLAR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the cancellation of removal and adjustment of status of certain aliens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "American Dream and
 5 Promise Act of 2019".

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—DREAM ACT OF 2019

- Sec. 101. Short title.
- Sec. 102. Permanent resident status on a conditional basis for certain long-term residents who entered the United States as children.
- Sec. 103. Terms of permanent resident status on a conditional basis.
- Sec. 104. Return to previous immigration status.
- Sec. 105. Removal of conditional basis of permanent resident status.
- Sec. 106. Restoration of State option to determine residency for purposes of higher education benefits.

TITLE II—AMERICAN PROMISE ACT OF 2019

- Sec. 201. Short title.
- Sec. 202. Adjustment of status for certain nationals of certain countries designated for temporary protected status or deferred enforced departure.
- Sec. 203. Reporting requirements regarding future discontinued eligibility of aliens from countries currently listed under temporary protected status.
- Sec. 204. Waiver of certain language requirements.
- Sec. 205. Clarification of inspection and admission under temporary protected status.

TITLE III—GENERAL PROVISIONS

- Sec. 301. Definitions.
- Sec. 302. Limitation on removal; application and fee exemption; waiver of grounds for inadmissibility and other conditions on eligible individuals.
- Sec. 303. Determination of continuous presence.
- Sec. 304. Exemption from numerical limitations.
- Sec. 305. Availability of administrative and judicial review.
- Sec. 306. Documentation requirements.
- Sec. 307. Rule making.
- Sec. 308. Confidentiality of information.
- Sec. 309. Grant program to assist eligible applicants.
- Sec. 310. Provisions affecting eligibility for adjustment of status.

1 **TITLE I—DREAM ACT OF 2019**

2 **SEC. 101. SHORT TITLE.**

3 This title may be cited as the “Dream Act of 2019”.

1 SEC. 102. PERMANENT RESIDENT STATUS ON A CONDI-
2 TIONAL BASIS FOR CERTAIN LONG-TERM
3 RESIDENTS WHO ENTERED THE UNITED
4 STATES AS CHILDREN.

5 (a) CONDITIONAL BASIS FOR STATUS.—Notwith-
6 standing any other provision of law, and except as pro-
7 vided in section 105(c)(2), an alien shall be considered,
8 at the time of obtaining the status of an alien lawfully
9 admitted for permanent residence under this section, to
10 have obtained such status on a conditional basis subject
11 to the provisions of this title.

12 (b) REQUIREMENTS.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, the Secretary or the Attorney Gen-
15 eral shall cancel the removal of, and adjust to the
16 status of an alien lawfully admitted for permanent
17 residence on a conditional basis, or without the con-
18 ditional basis as provided in section 105(c)(2), an
19 alien who is inadmissible or deportable from the
20 United States if—

21 (A) the alien has been continuously phys-
22 ically present in the United States since the
23 date that is 4 years before the date of the en-
24 actment of this Act;

1 (B) the alien was younger than 18 years of
2 age on the date on which the alien initially en-
3 tered the United States;

4 (C) subject to sections 301(b) and 302(d),
5 the alien—

6 (i) is not inadmissible under para-
7 graph (2), (3), (6)(E), (6)(G), (8),
8 (10)(A), (10)(C), (10)(D), or (10)(E) of
9 section 212(a) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1182(a));

11 (ii) has not ordered, incited, assisted,
12 or otherwise participated in the persecution
13 of any person on account of race, religion,
14 nationality, membership in a particular so-
15 cial group, or political opinion; and

16 (iii) excluding any offense under State
17 law for which an essential element is the
18 alien's immigration status, and any minor
19 traffic offense, has not been convicted of—

20 (I) any offense under Federal or
21 State law that is punishable by a
22 maximum term of imprisonment of
23 more than 1 year;

24 (II) 3 or more offenses under
25 Federal or State law for which the

1 alien was convicted on different dates
2 for each of the 3 offenses and impris-
3 oned for an aggregate of 90 days or
4 more; or

5 (III) a crime of domestic vio-
6 lence; unless—

7 (aa) the alien demonstrates
8 that such crime is related to the
9 alien having been—

10 (AA) a victim of domes-
11 tic violence, sexual assault,
12 stalking, child abuse or ne-
13 glect, abuse or neglect in
14 later life, or human traf-
15 ficking;

16 (BB) battered or sub-
17 jected to extreme cruelty; or

18 (CC) a victim of crimi-
19 nal activity described in sec-
20 tion 101(a)(15)(U)(iii) of
21 the Immigration and Na-
22 tionality Act (8 U.S.C.
23 1101(a)(15)(U)(iii)); or

24 (bb) the Secretary, in the
25 discretion of the Secretary,

1 waives this subclause for humani-
2 tarian purposes, for family unity,
3 or because the waiver is other-
4 wise in the public interest; and

5 (D) the alien—

6 (i) has been admitted to an institution
7 of higher education;

8 (ii) in the United States, has—

9 (I) earned a high school diploma
10 or a commensurate alternative award
11 from a public or private high school;

12 (II) obtained the General Edu-
13 cation Development credential;

14 (III) obtained a high school
15 equivalency diploma recognized under
16 State law; or

17 (IV) obtained a recognized post-
18 secondary credential; or

19 (iii) is enrolled in secondary school or
20 in an education program assisting students
21 in—

22 (I) obtaining a regular high
23 school diploma or its recognized equiv-
24 alent under State law;

1 (II) passing the General Edu-
2 cation Development test, a high school
3 equivalence diploma examination, or
4 other similar State-authorized exam;

5 (III) obtaining a certificate or
6 credential from an area career and
7 technical education school providing
8 education at the secondary level; or

9 (IV) obtaining a recognized post-
10 secondary credential.

11 (2) DACA RECIPIENTS.—The Secretary or the
12 Attorney General shall cancel the removal of, and
13 adjust to the status of an alien lawfully admitted for
14 permanent residence on a conditional basis, or with-
15 out the conditional basis as provided in section
16 105(c)(2), an alien who—

17 (A) was granted DACA, unless the alien
18 has become ineligible for DACA renewal; or

19 (B) was never granted DACA, but would
20 have been eligible for such a grant pursuant to
21 the terms of the Deferred Action for Childhood
22 Arrivals policy announced by the Secretary of
23 Homeland Security on June 15, 2012, in place
24 before it was rescinded on Sept. 5, 2017.

1 (3) APPLICATION FEE.—The Secretary may,
2 subject to an exemption under section 302(c), re-
3 quire an alien applying under this section to pay a
4 reasonable fee that is commensurate with the cost of
5 processing the application but does not exceed
6 \$495.00.

7 (4) SUBMISSION OF BIOMETRIC AND BIO-
8 GRAPHIC DATA.—The Secretary may not grant an
9 alien permanent resident status on a conditional
10 basis under this section unless the alien submits bio-
11 metric and biographic data, in accordance with pro-
12 cedures established by the Secretary. The Secretary
13 shall provide an alternative procedure for aliens who
14 are unable to provide such biometric or biographic
15 data because of a physical impairment.

16 (5) BACKGROUND CHECKS.—

17 (A) REQUIREMENT FOR BACKGROUND
18 CHECKS.—The Secretary shall utilize biometric,
19 biographic, and other data that the Secretary
20 determines appropriate—

21 (i) to conduct security and law en-
22 forcement background checks of an alien
23 seeking permanent resident status on a
24 conditional basis under this section; and

1 (ii) to determine whether there is any
2 criminal, national security, or other factor
3 that would render the alien ineligible for
4 such status.

5 (B) COMPLETION OF BACKGROUND
6 CHECKS.—The security and law enforcement
7 background checks of an alien required under
8 subparagraph (A) shall be completed, to the
9 satisfaction of the Secretary, before the date on
10 which the Secretary grants such alien perma-
11 nent resident status on a conditional basis
12 under this section.

13 (6) MILITARY SELECTIVE SERVICE.—An alien
14 applying for permanent resident status on a condi-
15 tional basis under this section, or without the condi-
16 tional basis as provided in section 105(c)(2), shall
17 establish that the alien has registered under the
18 Military Selective Service Act (50 U.S.C. 3801 et
19 seq.), if the alien is subject to registration under
20 such Act.

21 (7) CRIME OF DOMESTIC VIOLENCE DE-
22 FINED.—For purposes of paragraph (1)(C)(iii)(III),
23 the term “crime of domestic violence” means any of-
24 fense that has as an element the use, attempted use,
25 or threatened use of physical force against a person

1 committed by a current or former spouse of the per-
2 son, by an individual with whom the person shares
3 a child in common, by an individual who is cohab-
4 iting 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 family
7 violence laws of the jurisdiction where the offense oc-
8 curs, or by any other individual against a person
9 who is protected from that individual's acts under
10 the domestic or family violence laws of the United
11 States or any State, Indian tribal government, or
12 unit of local government.

13 (c) LIMITATION ON REMOVAL OF CERTAIN ALIEN
14 MINORS; TREATMENT OF CERTAIN REMOVED OR DE-
15 PARTED ALIENS.—

16 (1) CERTAIN ALIEN MINORS.—

17 (A) STAY OF REMOVAL.—The Attorney
18 General shall stay the removal proceedings of
19 an alien who meets all the requirements under
20 subparagraphs (A), (B), and (C) of subsection
21 (b)(1), subject to sections 301(b) and 302(d),
22 and is not older than 18 years of age.

23 (B) COMMENCEMENT OF REMOVAL PRO-
24 CEEDINGS.—The Secretary may not commence

1 removal proceedings for an alien described in
2 subparagraph (A).

3 (C) LIFT OF STAY.—The Secretary or At-
4 torney General may not lift the stay granted to
5 an alien under subparagraph (A) unless the
6 alien ceases to meet the requirements under
7 such subparagraph.

8 (2) ELIGIBILITY OF REMOVED OR VOLUNTARILY
9 DEPARTED ALIENS.—An alien who was removed or
10 permitted to depart voluntarily from the United
11 States on or after January 20, 2017, may apply for
12 relief under this section from abroad if—

13 (A) the alien meets all the requirements
14 under subparagraphs (B) and (C) of subsection
15 (b)(1), subject to sections 301(b) and 302(d);

16 (B) the alien meets the requirements of
17 subsection (b)(1)(D) or was enrolled in an ele-
18 mentary school or secondary school in the
19 United States during the 60-day period before
20 the alien's removal or voluntary departure;

21 (C) the alien was continuously physically
22 present in the United States for a period of at
23 least 4 years;

24 (D) at the time of their removal or vol-
25 untary departure, the alien—

1 (i) had been granted DACA, and was
2 not ineligible for DACA renewal; or

3 (ii) had never been granted DACA,
4 but would have been eligible for such a
5 grant pursuant to the terms of the De-
6 ferred Action for Childhood Arrivals policy
7 announced by the Secretary of Homeland
8 Security on June 15, 2012, in place before
9 it was rescinded on Sept. 5, 2017; and

10 (E) the sole reason for their removal or
11 voluntary departure was that the alien was
12 present in the United States after the expira-
13 tion of the period of stay authorized by the Sec-
14 retary of Homeland Security or was present in
15 the United States without being admitted or
16 paroled.

17 **SEC. 103. TERMS OF PERMANENT RESIDENT STATUS ON A**
18 **CONDITIONAL BASIS.**

19 (a) **PERIOD OF STATUS.**—Permanent resident status
20 on a conditional basis is—

21 (1) valid for a period of 10 years, unless such
22 period is extended by the Secretary; and

23 (2) subject to termination under subsection (d).

24 (b) **NOTICE OF REQUIREMENTS.**—At the time an
25 alien obtains permanent resident status on a conditional

1 basis, the Secretary shall provide notice to the alien re-
 2 garding the provisions of this title and the requirements
 3 to have the conditional basis of such status removed.

4 (c) PROFESSIONAL, COMMERCIAL, AND BUSINESS LI-
 5 CENSES.—Notwithstanding any other law, for the pur-
 6 poses of professional, commercial, and business licenses,
 7 an alien with permanent status on a conditional basis shall
 8 be treated as an alien lawfully admitted for permanent res-
 9 idence.

10 (d) TERMINATION OF STATUS.—The Secretary may
 11 terminate the permanent resident status on a conditional
 12 basis of an alien only if the Secretary—

13 (1) determines that the alien ceases to meet the
 14 requirements under section 102(b)(1)(C), subject to
 15 sections 301(b) and 302(d); and

16 (2) prior to the termination, provides the
 17 alien—

18 (A) notice of the proposed termination;
 19 and

20 (B) the opportunity for a hearing to pro-
 21 vide evidence that the alien meets such require-
 22 ments or otherwise contest the termination.

23 **SEC. 104. RETURN TO PREVIOUS IMMIGRATION STATUS.**

24 An alien whose permanent resident status on a condi-
 25 tional basis expires under section 103(a)(1) or is termi-

1 nated under section 103(d), or whose application under
 2 section 102 is denied, shall return to the immigration sta-
 3 tus that the alien had immediately before receiving perma-
 4 nent resident status on a conditional basis or applying
 5 under section 102, as appropriate.

6 **SEC. 105. REMOVAL OF CONDITIONAL BASIS OF PERMA-**
 7 **NENT RESIDENT STATUS.**

8 (a) **ELIGIBILITY FOR REMOVAL OF CONDITIONAL**
 9 **BASIS.—**

10 (1) **IN GENERAL.**—Subject to paragraph (2),
 11 the Secretary shall remove the conditional basis of
 12 an alien's permanent resident status granted under
 13 this title and grant the alien status as an alien law-
 14 fully admitted for permanent residence if the alien—

15 (A) is described in section 102(b)(1)(C),
 16 subject to sections 301(b) and 302(d);

17 (B) has not abandoned the alien's resi-
 18 dence in the United States during the period in
 19 which the alien has permanent resident status
 20 on a conditional basis; and

21 (C)(i) has earned a degree from an institu-
 22 tion of higher education, or has completed at
 23 least 2 years, in good standing, of a program in
 24 the United States leading to a bachelor's degree
 25 or higher degree or a certificate or credential

1 from an area career and technical education
2 school providing education at the postsecondary
3 level;

4 (ii) has served in the Uniformed Services
5 for at least 2 years and, if discharged, received
6 an honorable discharge; or

7 (iii) has been employed for periods totaling
8 at least 3 years and at least 75 percent of the
9 time that the alien has had a valid employment
10 authorization, except that any period during
11 which the alien is not employed while having a
12 valid employment authorization and is enrolled
13 in an institution of higher education, a sec-
14 ondary school, or an education program de-
15 scribed in section 102(b)(1)(D)(iii), shall not
16 count toward the time requirements under this
17 clause.

18 (2) **HARDSHIP EXCEPTION.**—

19 (A) **IN GENERAL.**—The Secretary shall re-
20 move the conditional basis of an alien's perma-
21 nent resident status and grant the alien status
22 as an alien lawfully admitted for permanent
23 residence if the alien—

1 (i) satisfies the requirements under
2 subparagraphs (A) and (B) of paragraph
3 (1);

4 (ii) demonstrates compelling cir-
5 cumstances for the inability to satisfy the
6 requirements under subparagraph (C) of
7 such paragraph; and

8 (iii) demonstrates that—

9 (I) the alien has a disability;

10 (II) the alien is a full-time care-
11 giver of a minor child; or

12 (III) the removal of the alien
13 from the United States would result
14 in hardship to the alien or the alien's
15 spouse, parent, or child who is a na-
16 tional of the United States or is law-
17 fully admitted for permanent resi-
18 dence.

19 (3) CITIZENSHIP REQUIREMENT.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the conditional basis of an
22 alien's permanent resident status granted under
23 this title may not be removed unless the alien
24 demonstrates that the alien satisfies the re-

1 quirements under section 312(a) of the Immi-
2 gration and Nationality Act (8 U.S.C. 1423(a)).

3 (B) EXCEPTION.—Subparagraph (A) shall
4 not apply to an alien who is unable to meet the
5 requirements under such section 312(a) due to
6 disability.

7 (4) APPLICATION FEE.—The Secretary may,
8 subject to an exemption under section 302(c), re-
9 quire aliens applying for removal of the conditional
10 basis of an alien's permanent resident status under
11 this section to pay a reasonable fee that is commen-
12 surate with the cost of processing the application.

13 (5) SUBMISSION OF BIOMETRIC AND BIO-
14 GRAPHIC DATA.—The Secretary may not remove the
15 conditional basis of an alien's permanent resident
16 status unless the alien submits biometric and bio-
17 graphic data, in accordance with procedures estab-
18 lished by the Secretary. The Secretary shall provide
19 an alternative procedure for applicants who are un-
20 able to provide such biometric data because of a
21 physical impairment.

22 (6) BACKGROUND CHECKS.—

23 (A) REQUIREMENT FOR BACKGROUND
24 CHECKS.—The Secretary shall utilize biometric,

1 biographic, and other data that the Secretary
2 determines appropriate—

3 (i) to conduct security and law en-
4 forcement background checks of an alien
5 applying for removal of the conditional
6 basis of the alien's permanent resident sta-
7 tus; and

8 (ii) to determine whether there is any
9 criminal, national security, or other factor
10 that would render the alien ineligible for
11 removal of such conditional basis.

12 (B) COMPLETION OF BACKGROUND
13 CHECKS.—The security and law enforcement
14 background checks of an alien required under
15 subparagraph (A) shall be completed, to the
16 satisfaction of the Secretary, before the date on
17 which the Secretary removes the conditional
18 basis of the alien's permanent resident status.

19 (b) TREATMENT FOR PURPOSES OF NATURALIZA-
20 TION.—

21 (1) IN GENERAL.—For purposes of title III of
22 the Immigration and Nationality Act (8 U.S.C. 1401
23 et seq.), an alien granted permanent resident status
24 on a conditional basis shall be considered to have
25 been admitted to the United States, and be present

1 in the United States, as an alien lawfully admitted
2 for permanent residence.

3 (2) LIMITATION ON APPLICATION FOR NATU-
4 RALIZATION.—An alien may not apply for natu-
5 ralization while the alien is in permanent resident
6 status on a conditional basis.

7 (c) TIMING OF APPROVAL OF LAWFUL PERMANENT
8 RESIDENCE STATUS.—

9 (1) IN GENERAL.—An alien granted lawful per-
10 manent residence on a conditional basis under this
11 title may apply to have such conditional basis re-
12 moved at any time after such alien has met the eligi-
13 bility requirements set forth in subsection (a).

14 (2) APPROVAL WITH REGARD TO INITIAL APPLI-
15 CATIONS.—

16 (A) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary or the At-
18 torney General shall cancel the removal of, and
19 adjust to the status of an alien lawfully admit-
20 ted for permanent residence status without con-
21 ditional basis, any alien who—

22 (i) subject to the waiver described in
23 section 302(d), and the provisions on de-
24 termination of continuous presence in sec-
25 tion 303, demonstrates eligibility for lawful

1 permanent residence status on a condi-
2 tional basis under section 102(b); and

3 (ii) subject to the exceptions described
4 in subsections (a)(2) and (a)(3)(B) of this
5 section, already has fulfilled the require-
6 ments of paragraphs (1) and (3) of sub-
7 section (a) of this section at the time such
8 alien first submits an application for bene-
9 fits under this title.

10 (B) BACKGROUND CHECKS.—Paragraphs
11 (5) and (6) of subsection (a) of this section
12 shall apply to an alien seeking lawful perma-
13 nent residence status without conditional basis
14 in an initial application in the same manner as
15 they apply to an alien seeking removal of the
16 conditional basis of an alien's permanent resi-
17 dent status. Paragraphs (4) and (5) of section
18 102(b) shall not be construed to require the
19 Secretary to conduct more than one identical
20 security or law enforcement background check
21 on such an alien.

22 (C) APPLICATION FEES.—In the case of an
23 alien seeking lawful permanent residence status
24 without conditional basis in an initial applica-
25 tion, the alien shall pay the fee required under

1 subsection (a)(4)(A) of this section, subject to
2 the exemption allowed under section 302(c), but
3 shall not be required to pay the application fee
4 under section 102(b)(3).

5 **SEC. 106. RESTORATION OF STATE OPTION TO DETERMINE**
6 **RESIDENCY FOR PURPOSES OF HIGHER EDU-**
7 **CATION BENEFITS.**

8 (a) IN GENERAL.—Section 505 of the Illegal Immi-
9 gration Reform and Immigrant Responsibility Act of 1996
10 (8 U.S.C. 1623) is repealed.

11 (b) EFFECTIVE DATE.—The repeal under subsection
12 (a) shall take effect as if included in the original enact-
13 ment of the Illegal Immigration Reform and Immigrant
14 Responsibility Act of 1996 (division C of Public Law 104-
15 208; 110 Stat. 3009–546).

16 (c) LIMITATION OF FEDERAL STUDENT ASSIST-
17 ANCE.—Notwithstanding any other provision of law, an
18 alien who has permanent resident status on a conditional
19 basis under this title shall be eligible only for the following
20 assistance under title IV of the Higher Education Act of
21 1965 (20 U.S.C. 1070 et seq.):

22 (1) Student loans under parts D and E of such
23 title IV (20 U.S.C. 1087a et seq. and 1087aa et
24 seq.), subject to the requirements of such parts.

1 (2) Federal work-study programs under part C
 2 of such title IV (42 U.S.C. 2751 et seq.), subject to
 3 the requirements of such part.

4 (3) Services under such title IV (20 U.S.C.
 5 1070 et seq.), subject to the requirements for such
 6 services.

7 **TITLE II—AMERICAN PROMISE**
 8 **ACT OF 2019**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “American Promise Act
 11 of 2019”.

12 **SEC. 202. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**
 13 **ALS OF CERTAIN COUNTRIES DESIGNATED**
 14 **FOR TEMPORARY PROTECTED STATUS OR**
 15 **DEFERRED ENFORCED DEPARTURE.**

16 (a) IN GENERAL.—Notwithstanding any other provi-
 17 sion of law, the Secretary or the Attorney General shall
 18 cancel the removal of, and adjust to the status of an alien
 19 lawfully admitted for permanent residence, an alien de-
 20 scribed in subsection (c) if the alien—

21 (1) applies for such adjustment, including sub-
 22 mitting the documents required under section 306,
 23 not later than 3 years after the date of the enact-
 24 ment of this Act; and

1 (2) is determined to be an alien admissible to
2 the United States as an immigrant, except as other-
3 wise provided under subsection (b) and subject to
4 sections 301(b) and 302(d).

5 (b) CERTAIN GROUNDS FOR INADMISSIBILITY INAP-
6 PLICABLE.—For purposes of determining admissibility
7 under subsection (a)(2), the grounds for inadmissibility
8 specified in paragraphs (4), (5), (6)(A), (6)(B), (6)(C),
9 (7)(A), (9)(A), and (9)(B) of section 212(a) of the Immi-
10 gration and Nationality Act (8 U.S.C. 1182(a)) shall not
11 apply.

12 (c) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
13 TUS.—

14 (1) IN GENERAL.—An alien shall be eligible for
15 adjustment of status if the alien—

16 (A) is—

17 (i) a national of a foreign state (or
18 part thereof), (or in the case of an alien
19 having no nationality, is a person who last
20 habitually resided in such state), with a
21 designation under subsection (b) of section
22 244 of the Immigration and Nationality
23 Act (8 U.S.C. 1254a(b)) on September 25,
24 2016, who had or was otherwise eligible for
25 temporary protected status on such date

1 notwithstanding subsections (c)(1)(A)(iv)
2 and (c)(3)(C) of such section; or

3 (ii) under a grant of Deferred En-
4 forced Departure as of September 28,
5 2016; and

6 (B) has been continuously physically
7 present in the United States for a period of not
8 less than 3 years before the date of the enact-
9 ment of this Act.

10 (2) TPS ALIENS PREVIOUSLY REMOVED OR DE-
11 PARTED.—An alien shall be eligible for adjustment
12 of status if the alien was removed or voluntarily de-
13 parted from the United States on or after Sep-
14 tember 25, 2016, if the alien—

15 (A) applies from abroad;

16 (B) was continuously physically present in
17 the United States for a period of not less than
18 3 years before the date of removal or departure;

19 (C) had temporary protected status on
20 such date, or was otherwise eligible, on such
21 date, for temporary protected status notwith-
22 standing subsections (c)(1)(A)(iv) and (c)(3)(C)
23 of section 244 of the Immigration and Nation-
24 ality Act (8 U.S.C. 1254a); and

(D) the sole reason for the alien's removal or departure was—

(i) that the alien was present in the United States after the expiration of the designation of that foreign state (or part thereof) under section 244(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(b)(3)(B)); or

(ii) in the case of a voluntary departure, the alien did so on the basis of the Secretary's determination to terminate such designation.

(3) DED ALIENS PREVIOUSLY REMOVED OR DEPARTED.—An alien shall be eligible for adjustment of status if the alien was removed or voluntarily departed from the United States on or after September 28, 2016, if the alien—

(A) applies from abroad;

(B) is under a grant of Deferred Enforced Departure as of September 28, 2016;

(C) was continuously physically present in the United States for a period of not less than 3 years before the date of removal or departure; and

1 (D) the sole reason for the alien's removal
2 or departure—

3 (i) was that the alien was present in
4 the United States after the expiration of
5 the deferral of enforced departure directed
6 in the Presidential Memorandum on De-
7 ferred Enforced Departure for Liberians
8 issued on September 28, 2016, or any sub-
9 sequent extension of such deferral; or

10 (ii) in the case of a voluntary depar-
11 ture, the alien did so on the basis of the
12 President's determination to terminate
13 such presidential memorandum or exten-
14 sion.

15 (d) APPLICATION.—

16 (1) FEE.—The Secretary shall, subject to an
17 exemption under section 302(c), require an alien ap-
18 plying for permanent resident status under this sec-
19 tion to pay a reasonable fee that is commensurate
20 with the cost of processing the application, but does
21 not exceed \$1,140.

22 (2) STAY OF REMOVAL WHILE APPLICATION
23 PENDING.—The removal proceedings of an alien
24 shall be stayed while an application for adjustment

1 of status submitted pursuant to this section is pend-
2 ing.

3 **SEC. 203. REPORTING REQUIREMENTS REGARDING FU-**
4 **TURE DISCONTINUED ELIGIBILITY OF**
5 **ALIENS FROM COUNTRIES CURRENTLY LIST-**
6 **ED UNDER TEMPORARY PROTECTED STATUS.**

7 Section 244(b)(3) of the Immigration and Nationality
8 Act. (8 U.S.C. 1254a(b)(3)) is amended by adding at the
9 end, the following:

10 “(D) REPORT ON TERMINATIONS.—Not
11 later than 3 days after the Secretary of Home-
12 land Security publishes a notice in the Federal
13 Register of the determination to terminate the
14 designation of a foreign state (or part thereof)
15 under subparagraph (B), the Secretary of
16 Homeland Security shall submit to the Commit-
17 tees on the Judiciary of the House of Rep-
18 resentatives and of the Senate a report that in-
19 cludes—

20 “(i) an explanation of any event that
21 initially prompted the designation of the
22 foreign state (or part thereof) under this
23 subsection;

24 “(ii) the progress that the foreign
25 state (or part thereof) has made in rem-

1 edying, solving, or addressing the condi-
 2 tions prompting the designation specified
 3 under clause (i), including any significant
 4 challenges or shortcomings that have aris-
 5 en from conditions related to the initial
 6 designation;

7 “(iii) a description of the quantitative
 8 and qualitative methodologies used by the
 9 Secretary to assess and determine improve-
 10 ments in country conditions; and

11 “(iv) any additional metrics the Sec-
 12 retary deems necessary.”

13 **SEC. 204. WAIVER OF CERTAIN LANGUAGE REQUIREMENTS.**

14 The language requirements of section 312(a)(1) of
 15 the Immigration and Nationality Act (8 U.S.C.
 16 1423(a)(1)) shall not apply to an alien in receipt of a sta-
 17 tus adjustment under section 202 of this title.

18 **SEC. 205. CLARIFICATION OF INSPECTION AND ADMISSION**
 19 **UNDER TEMPORARY PROTECTED STATUS.**

20 Section 244(f)(4) of the Immigration and Nationality
 21 Act (8 U.S.C. 1254a(f)(4)) is amended by inserting after
 22 “considered” the following: “as having been inspected and
 23 admitted into the United States, and”.

TITLE III—GENERAL PROVISIONS

SEC. 301. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, any term used in this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) AREA CAREER AND TECHNICAL EDUCATION SCHOOL.—The term “area career and technical education school” has the meaning given such term in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(3) DACA.—The term “DACA” means deferred action granted to an alien pursuant to the Deferred Action for Childhood Arrivals policy announced by the Secretary of Homeland Security on June 15, 2012.

(4) DISABILITY.—The term “disability” has the meaning given such term in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(5) EARLY CHILDHOOD EDUCATION PROGRAM.—The term “early childhood education program” has the meaning given such term in section

1 103 of the Higher Education Act of 1965 (20
2 U.S.C. 1003).

3 (6) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-
4 ONDARY SCHOOL.—The terms “elementary school”,
5 “high school”, and “secondary school” have the
6 meanings given such terms in section 8101 of the
7 Elementary and Secondary Education Act of 1965
8 (20 U.S.C. 7801).

9 (7) IMMIGRATION LAWS.—The term “immigra-
10 tion laws” has the meaning given such term in sec-
11 tion 101(a)(17) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(17)).

13 (8) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education”—

15 (A) except as provided in subparagraph
16 (B), has the meaning given such term in section
17 102 of the Higher Education Act of 1965 (20
18 U.S.C. 1002); and

19 (B) does not include an institution of high-
20 er education outside of the United States.

21 (9) PERMANENT RESIDENT STATUS ON A CON-
22 DITIONAL BASIS.—The term “permanent resident
23 status on a conditional basis” means status as an
24 alien lawfully admitted for permanent residence on
25 a conditional basis under this Act.

1 (10) FEDERAL POVERTY LINE.—The term
2 “Federal poverty line” has the meaning given such
3 term in section 213A(h) of the Immigration and Na-
4 tionality Act (8 U.S.C. 1183a).

5 (11) RECOGNIZED POSTSECONDARY CREDEN-
6 TIAL.—The term “recognized postsecondary creden-
7 tial” has the meaning given such term in section 3
8 of the Workforce Innovation and Opportunity Act
9 (29 U.S.C. 3102).

10 (12) SECRETARY.—Except as otherwise specifi-
11 cally provided, the term “Secretary” means the Sec-
12 retary of Homeland Security.

13 (13) UNIFORMED SERVICES.—The term “Uni-
14 formed Services” has the meaning given the term
15 “uniformed services” in section 101(a) of title 10,
16 United States Code.

17 (b) TREATMENT OF EXPUNGED CONVICTIONS.—For
18 purposes of this Act, the term “conviction” does not in-
19 clude a judgment that has been expunged or set aside,
20 that resulted in a rehabilitative disposition, or the equiva-
21 lent.

1 SEC. 302. LIMITATION ON REMOVAL; APPLICATION AND
2 FEE EXEMPTION; WAIVER OF GROUNDS FOR
3 INADMISSIBILITY AND OTHER CONDITIONS
4 ON ELIGIBLE INDIVIDUALS.

5 (a) LIMITATION ON REMOVAL.—An alien who has
6 presented evidence to establish prima facie eligibility for
7 relief from removal, who appears to be prima facie eligible,
8 or who has an application pending under this Act may
9 not be removed.

10 (b) APPLICATION.—An alien present in the United
11 States who has been ordered removed or has been per-
12 mitted to depart voluntarily from the United States may,
13 notwithstanding such order or permission to depart, apply
14 for adjustment of status under this Act. Such alien shall
15 not be required to file a separate motion to reopen, recon-
16 sider, or vacate the order of removal. If the Secretary ap-
17 proves the application, the Secretary shall cancel the order
18 of removal. If the Secretary renders a final administrative
19 decision to deny the application, the order of removal or
20 permission to depart shall be effective and enforceable to
21 the same extent as if the application had not been made,
22 only after all available administrative and judicial rem-
23 edies have been exhausted.

24 (c) FEE EXEMPTION.—An applicant may be exempt-
25 ed from paying an application fee required under this Act
26 if the applicant—

1 (1) is younger than 18 years of age;

2 (2) received total income, during the 12-month
3 period immediately preceding the date on which the
4 applicant files an application under this Act, that is
5 less than 150 percent of the Federal poverty line;

6 (3) is in foster care or otherwise lacking any
7 parental or other familial support; or

8 (4) cannot care for himself or herself because of
9 a serious, chronic disability.

10 (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—

11 With respect to any benefit under this Act, the Secretary
12 may waive the grounds of inadmissibility under paragraph
13 (2), (6)(E), (6)(G), or (10)(D) of section 212(a) of the
14 Immigration and Nationality Act (8 U.S.C. 1182(a)) for
15 humanitarian purposes, for family unity, or because the
16 waiver is otherwise in the public interest.

17 (e) ADVANCE PAROLE.—During the period beginning
18 on the date on which an alien applies for adjustment of
19 status under this Act and ending on the date on which
20 the Secretary makes a final decision regarding such appli-
21 cation, the alien shall be eligible to apply for advance pa-
22 role. Section 101(g) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted
24 advance parole under this section.

1 (f) EMPLOYMENT.—An alien whose removal is stayed
2 pursuant to this Act, who may not be placed in removal
3 proceedings pursuant to this Act, or who has pending an
4 application under this Act, shall, upon application to the
5 Secretary, be granted an employment authorization docu-
6 ment.

7 **SEC. 303. DETERMINATION OF CONTINUOUS PRESENCE.**

8 (a) TERMINATION OF CONTINUOUS PERIOD.—Any
9 period of continuous physical presence in the United
10 States of an alien who applies for permanent resident sta-
11 tus under title I (whether on a conditional basis or without
12 the conditional basis as provided in section 105(c)(2)) or
13 under title II shall not terminate when the alien is served
14 a notice to appear under section 239(a) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1229(a)).

16 (b) TREATMENT OF CERTAIN BREAKS IN PRES-
17 ENCE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), an alien shall be considered to
20 have failed to maintain continuous physical presence
21 in the United States under this Act if the alien has
22 departed from the United States for any period ex-
23 ceeding 90 days or for any periods, in the aggregate,
24 exceeding 180 days.

1 (2) EXTENSIONS FOR EXTENUATING CIR-
 2 CUMSTANCES.—The Secretary may extend the time
 3 periods described in paragraph (1) for an alien who
 4 demonstrates that the failure to timely return to the
 5 United States was due to extenuating circumstances
 6 beyond the alien's control, including the serious ill-
 7 ness of the alien, or death or serious illness of a par-
 8 ent, grandparent, sibling, or child of the alien.

9 (3) TRAVEL AUTHORIZED BY THE SEC-
 10 RETARY.—Any period of travel outside of the United
 11 States by an alien that was authorized by the Sec-
 12 retary may not be counted toward any period of de-
 13 parture from the United States under paragraph
 14 (1).

15 **SEC. 304. EXEMPTION FROM NUMERICAL LIMITATIONS.**

16 Nothing in this Act or in any other law may be con-
 17 strued to apply a numerical limitation on the number of
 18 aliens who may be granted permanent resident status
 19 under title I (whether on a conditional basis, or without
 20 the conditional basis as provided in section 105(c)(2)) or
 21 under title II of this Act.

22 **SEC. 305. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**
 23 **CIAL REVIEW.**

24 (a) ADMINISTRATIVE REVIEW.—Not later than 30
 25 days after the date of the enactment of this Act, the Sec-

1 retary shall provide to aliens applying for adjustment of
2 status under this Act a process by which the denial of an
3 application for adjustment of status may undergo a single
4 level of administrative appellate review, which shall be sub-
5 stantially similar to the procedures for administrative re-
6 view provided to applicants for adjustment of status under
7 section 245 of the Immigration and Nationality Act (8
8 U.S.C. 1255).

9 (b) CONSOLIDATION OF ISSUES FOR JUDICIAL RE-
10 VIEW.—An alien may seek judicial review of a denial of
11 an application for benefits, or a revocation of such bene-
12 fits, under this Act in the appropriate United States court
13 of appeals in conjunction with the judicial review of an
14 order of removal under section 242 of the Immigration
15 and Nationality Act (8 U.S.C. 1252).

16 (c) STAY OF REMOVAL.—An alien seeking adminis-
17 trative or judicial review under this Act may not be re-
18 moved from the United States until a final decision is ren-
19 dered establishing that the alien is ineligible for adjust-
20 ment of status under this Act, unless such removal is
21 based on criminal or national security grounds.

22 **SEC. 306. DOCUMENTATION REQUIREMENTS.**

23 (a) DOCUMENTS ESTABLISHING IDENTITY.—An
24 alien's application for permanent resident status under
25 title I (whether on a conditional basis, or without the con-

ditional basis as provided in section 105(c)(2)) or under title II, may include, as proof of identity—

(1) a passport or national identity document from the alien's country of origin that includes the alien's name and the alien's photograph or fingerprint;

(2) the alien's birth certificate and an identity card that includes the alien's name and photograph;

(3) a school identification card that includes the alien's name and photograph, and school records showing the alien's name and that the alien is or was enrolled at the school;

(4) a Uniformed Services identification card issued by the Department of Defense;

(5) any immigration or other document issued by the United States Government bearing the alien's name and photograph; or

(6) a State-issued identification card bearing the alien's name and photograph.

(b) DOCUMENTS ESTABLISHING CONTINUOUS PHYSICAL PRESENCE IN THE UNITED STATES.—To establish that an alien has been continuously physically present in the United States, as required under sections 102(b)(1)(A) and 202(c)(1)(B), or to establish that an alien has not abandoned residence in the United States,

1 as required under section 105(a)(1)(B), the alien may sub-
2 mit documents to the Secretary, including—

3 (1) employment records of the alien that in-
4 clude the employer's name and contact information;

5 (2) records from any educational institution the
6 alien has attended in the United States;

7 (3) records of service from the Uniformed Serv-
8 ices;

9 (4) official records from a religious entity con-
10 firming the alien's participation in a religious cere-
11 mony;

12 (5) passport entries;

13 (6) a birth certificate for a child of the alien
14 who was born in the United States;

15 (7) automobile license receipts or registration;

16 (8) deeds, mortgages, or rental agreement con-
17 tracts;

18 (9) tax receipts;

19 (10) insurance policies;

20 (11) remittance records;

21 (12) rent receipts or utility bills bearing the
22 alien's name or the name of an immediate family
23 member of the alien, and the alien's address;

24 (13) copies of money order receipts for money
25 sent in or out of the United States;

1 (14) dated bank transactions; or

2 (15) two or more sworn affidavits from individ-
3 uals who are not related to the alien who have direct
4 knowledge of the alien's continuous physical pres-
5 ence in the United States, that contain—

6 (A) the name, address, and telephone num-
7 ber of the affiant; and

8 (B) the nature and duration of the rela-
9 tionship between the affiant and the alien.

10 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY
11 INTO THE UNITED STATES.—To establish under section
12 102(b)(1)(B) that an alien was younger than 18 years of
13 age on the date on which the alien initially entered the
14 United States, an alien may submit documents to the Sec-
15 retary, including—

16 (1) an admission stamp on the alien's passport;

17 (2) records from any educational institution the
18 alien has attended in the United States;

19 (3) any document from the Department of Jus-
20 tice or the Department of Homeland Security stat-
21 ing the alien's date of entry into the United States;

22 (4) hospital or medical records showing medical
23 treatment or hospitalization, the name of the med-
24 ical facility or physician, and the date of the treat-
25 ment or hospitalization;

1 (5) rent receipts or utility bills bearing the
2 alien's name or the name of an immediate family
3 member of the alien, and the alien's address;

4 (6) employment records that include the em-
5 ployer's name and contact information;

6 (7) official records from a religious entity con-
7 firming the alien's participation in a religious cere-
8 mony;

9 (8) a birth certificate for a child who was born
10 in the United States;

11 (9) automobile license receipts or registration;

12 (10) deeds, mortgages, or rental agreement con-
13 tracts;

14 (11) tax receipts;

15 (12) travel records;

16 (13) copies of money order receipts sent in or
17 out of the country;

18 (14) dated bank transactions;

19 (15) remittance records; or

20 (16) insurance policies.

21 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN
22 INSTITUTION OF HIGHER EDUCATION.—To establish that
23 an alien has been admitted to an institution of higher edu-
24 cation, the alien shall submit to the Secretary a document

1 from the institution of higher education certifying that the
2 alien—

3 (1) has been admitted to the institution; or

4 (2) is currently enrolled in the institution as a
5 student.

6 (e) DOCUMENTS ESTABLISHING RECEIPT OF A DE-
7 GREE FROM AN INSTITUTION OF HIGHER EDUCATION.—

8 To establish that an alien has acquired a degree from an
9 institution of higher education in the United States, the
10 alien shall submit to the Secretary a diploma or other doc-
11 ument from the institution stating that the alien has re-
12 ceived such a degree.

13 (f) DOCUMENTS ESTABLISHING RECEIPT OF HIGH
14 SCHOOL DIPLOMA, GENERAL EDUCATIONAL DEVELOP-
15 MENT CREDENTIAL, OR A RECOGNIZED EQUIVALENT.—

16 To establish that in the United States an alien has earned
17 a high school diploma or a commensurate alternative
18 award from a public or private high school, has obtained
19 the General Education Development credential, or other-
20 wise has satisfied section 102(b)(1)(D)(ii), the alien shall
21 submit to the Secretary—

22 (1) a high school diploma, certificate of comple-
23 tion, or other alternate award;

24 (2) a high school equivalency diploma or certifi-
25 cate recognized under State law;

1 (3) evidence that the alien passed a State-au-
 2 thorized exam, including the General Education De-
 3 velopment test, in the United States;

4 (4) evidence that the alien successfully com-
 5 pleted an area career and technical education pro-
 6 gram, such as a certification, certificate, or similar
 7 alternate award; or

8 (5) evidence that the alien obtained a recog-
 9 nized postsecondary credential.

10 (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN
 11 EDUCATIONAL PROGRAM.—To establish that an alien is
 12 enrolled in any school or education program described in
 13 section 102(b)(1)(D)(iii), 102(c)(4)(B), or 105(a)(1)(C),
 14 the alien shall submit school records from the United
 15 States school that the alien is currently attending that in-
 16 clude—

17 (1) the name of the school; and

18 (2) the alien's name, periods of attendance, and
 19 current grade or educational level.

20 (h) DOCUMENTS ESTABLISHING EXEMPTION FROM
 21 APPLICATION FEES.—To establish that an alien is exempt
 22 from an application fee under section 302(c), the alien
 23 shall submit to the Secretary the following relevant docu-
 24 ments:

1 (1) DOCUMENTS TO ESTABLISH AGE.—To es-
2 tablish that an alien meets an age requirement, the
3 alien shall provide proof of identity, as described in
4 subsection (a), that establishes that the alien is
5 younger than 18 years of age.

6 (2) DOCUMENTS TO ESTABLISH INCOME.—To
7 establish the alien's income, the alien shall provide—

8 (A) employment records that have been
9 maintained by the Social Security Administra-
10 tion, the Internal Revenue Service, or any other
11 Federal, State, or local government agency;

12 (B) bank records; or

13 (C) at least 2 sworn affidavits from indi-
14 viduals who are not related to the alien and
15 who have direct knowledge of the alien's work
16 and income that contain—

17 (i) the name, address, and telephone
18 number of the affiant; and

19 (ii) the nature and duration of the re-
20 lationship between the affiant and the
21 alien.

22 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,
23 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR
24 SERIOUS, CHRONIC DISABILITY.—To establish that
25 the alien was in foster care, lacks parental or famil-

1 ial support, is homeless, or has a serious, chronic
2 disability, the alien shall provide at least 2 sworn af-
3 fidavits from individuals who are not related to the
4 alien and who have direct knowledge of the cir-
5 cumstances that contain—

6 (A) a statement that the alien is in foster
7 care, otherwise lacks any parental or other fa-
8 miliar support, is homeless, or has a serious,
9 chronic disability, as appropriate;

10 (B) the name, address, and telephone num-
11 ber of the affiant; and

12 (C) the nature and duration of the rela-
13 tionship between the affiant and the alien.

14 (4) DOCUMENTS TO ESTABLISH UNPAID MED-
15 ICAL EXPENSE.—To establish that the alien has debt
16 as a result of unreimbursed medical expenses, the
17 alien shall provide receipts or other documentation
18 from a medical provider that—

19 (A) bear the provider's name and address;

20 (B) bear the name of the individual receiv-
21 ing treatment; and

22 (C) document that the alien has accumu-
23 lated \$10,000 or more in debt in the past 12
24 months as a result of unreimbursed medical ex-

1 penses incurred by the alien or an immediate
2 family member of the alien.

3 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR
4 HARDSHIP EXEMPTION.—To establish that an alien satis-
5 fies one of the criteria for the hardship exemption set forth
6 in section 105(a)(2)(A)(iii), the alien shall submit to the
7 Secretary at least 2 sworn affidavits from individuals who
8 are not related to the alien and who have direct knowledge
9 of the circumstances that warrant the exemption, that
10 contain—

11 (1) the name, address, and telephone number of
12 the affiant; and

13 (2) the nature and duration of the relationship
14 between the affiant and the alien.

15 (j) DOCUMENTS ESTABLISHING SERVICE IN THE
16 UNIFORMED SERVICES.—To establish that an alien has
17 served in the Uniformed Services for at least 2 years and,
18 if discharged, received an honorable discharge, the alien
19 shall submit to the Secretary—

20 (1) a Department of Defense form DD-214;

21 (2) a National Guard Report of Separation and
22 Record of Service form 22;

23 (3) personnel records for such service from the
24 appropriate Uniformed Service; or

1 (4) health records from the appropriate Uni-
2 formed Service.

3 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

4 (1) IN GENERAL.—An alien may satisfy the em-
5 ployment requirement under section
6 105(a)(1)(C)(iii) by submitting records that—

7 (A) establish compliance with such employ-
8 ment requirement; and

9 (B) have been maintained by the Social Se-
10 curity Administration, the Internal Revenue
11 Service, or any other Federal, State, or local
12 government agency.

13 (2) OTHER DOCUMENTS.—An alien who is un-
14 able to submit the records described in paragraph
15 (1) may satisfy the employment requirement by sub-
16 mitting at least 2 types of reliable documents that
17 provide evidence of employment, including—

18 (A) bank records;

19 (B) business records;

20 (C) employer records;

21 (D) records of a labor union, day labor
22 center, or organization that assists workers in
23 employment;

(E) sworn affidavits from individuals who are not related to the alien and who have direct knowledge of the alien's work, that contain—

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

(ii) the nature and duration of the relationship between the affiant and the alien; and

(F) remittance records.

(I) **AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.**—If the Secretary determines, after publication in the Federal Register and an opportunity for public comment, that any document or class of documents does not reliably establish identity or that permanent resident status under title I (whether on a conditional basis, or without the conditional basis as provided in section 105(c)(2)) or under title II is being obtained fraudulently to an unacceptable degree, the Secretary may prohibit or restrict the use of such document or class of documents.

SEC. 307. RULE MAKING.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish in the Federal Register interim final rules implementing this Act, which shall allow eligible individuals to immediately apply for relief under section 102, 105(c)(2),

1 or 202. Notwithstanding section 553 of title 5, United
2 States Code, the regulation shall be effective, on an in-
3 terim basis, immediately upon publication, but may be
4 subject to change and revision after public notice and op-
5 portunity for a period of public comment. The Secretary
6 shall finalize such rules not later than 180 days after the
7 date of publication.

8 (b) PAPERWORK REDUCTION ACT.—The require-
9 ments under chapter 35 of title 44, United States Code
10 (commonly known as the “Paperwork Reduction Act”),
11 shall not apply to any action to implement this Act.

12 **SEC. 308. CONFIDENTIALITY OF INFORMATION.**

13 (a) IN GENERAL.—The Secretary may not disclose
14 or use information provided in applications filed under this
15 Act or in requests for DACA for the purpose of immigra-
16 tion enforcement.

17 (b) REFERRALS PROHIBITED.—The Secretary may
18 not refer any individual who has been granted permanent
19 resident status under title I (whether on a conditional
20 basis, or without the conditional basis as provided in sec-
21 tion 105(c)(2)) or under title II of this Act or who was
22 granted DACA or temporary protected status under sec-
23 tion 244 of the Immigration and Nationality Act (8 U.S.C.
24 1254a), to U.S. Immigration and Customs Enforcement,

1 U.S. Customs and Border Protection, or any designee of
2 either such entity.

3 (c) LIMITED EXCEPTION.—Notwithstanding sub-
4 sections (a) and (b), information provided in an applica-
5 tion for permanent resident status under title I (whether
6 on a conditional basis, or without the conditional basis as
7 provided in section 105(c)(2)) or under title II of this Act
8 or a request for DACA or temporary protected status
9 under section 244 of the Immigration and Nationality Act
10 (8 U.S.C. 1254a), may be shared with Federal security
11 and law enforcement agencies—

12 (1) for assistance in the consideration of an ap-
13 plication for permanent resident status under title I
14 (whether on a conditional basis, or without the con-
15 ditional basis as provided in section 105(c)(2)) or
16 under title II of this Act;

17 (2) to identify or prevent fraudulent claims;

18 (3) for national security purposes; or

19 (4) for the investigation or prosecution of any
20 felony not related to immigration status.

21 (d) PENALTY.—Any person who knowingly uses, pub-
22 lishes, or permits information to be examined in violation
23 of this section shall be fined not more than \$10,000.

1 SEC. 309. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-
2 CANTS.

3 (a) ESTABLISHMENT.—The Secretary of Homeland
4 Security shall establish, within U.S. Citizenship and Immi-
5 gration Services, a program to award grants, on a com-
6 petitive basis, to eligible nonprofit organizations that will
7 use the funding to assist eligible applicants under this Act
8 by providing them with the services described in sub-
9 section (b).

10 (b) USE OF FUNDS.—Grant funds awarded under
11 this section shall be used for the design and implementa-
12 tion of programs that provide—

13 (1) information to the public regarding the eli-
14 gibility and benefits of permanent resident status
15 under title I (whether on a conditional basis, or
16 without the conditional basis as provided in section
17 105(c)(2)) or under title II of this Act, particularly
18 to individuals potentially eligible for such status;

19 (2) assistance, within the scope of authorized
20 practice of immigration law, to individuals submit-
21 ting applications for permanent resident status
22 under title I (whether on a conditional basis, or
23 without the conditional basis as provided in section
24 105(c)(2)) or under title II of this Act, including—

25 (A) screening prospective applicants to as-
26 sess their eligibility for such status;

1 (B) completing applications and petitions,
2 including providing assistance in obtaining the
3 requisite documents and supporting evidence;
4 and

5 (C) providing any other assistance that the
6 Secretary or grantee considers useful or nec-
7 essary to apply for permanent resident status
8 under title I (whether on a conditional basis, or
9 without the conditional basis as provided in sec-
10 tion 105(c)(2)) or under title II of this Act; and

11 (3) assistance, within the scope of authorized
12 practice of immigration law, and instruction, to indi-
13 viduals—

14 (A) on the rights and responsibilities of
15 United States citizenship;

16 (B) in civics and English as a second lan-
17 guage;

18 (C) in preparation for the General Edu-
19 cation Development test; and

20 (D) in applying for adjustment of status
21 and United States citizenship.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AMOUNTS AUTHORIZED.—There are author-
24 ized to be appropriated such sums as may be nec-

1 necessary for each of the fiscal years 2020 through
2 2030 to carry out this section.

3 (2) AVAILABILITY.—Any amounts appropriated
4 pursuant to paragraph (1) shall remain available
5 until expended.

6 **SEC. 310. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**
7 **JUSTMENT OF STATUS.**

8 An alien's eligibility to be lawfully admitted for per-
9 manent residence under title I (whether on a conditional
10 basis, or without the conditional basis as provided in sec-
11 tion 105(c)(2)) or under title II of this Act shall not pre-
12 clude the alien from seeking any status under any other
13 provision of law for which the alien may otherwise be eligi-
14 ble.

○



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Plumbers 38

VP for Community Activities
Conny Ford
OPEIU 29

VP for Political Activities
Alisa Messer
AFT 2121

Sergeant at Arms
Hene Kelly
CARA

**Resolution in Support of Protections from Deportation & a Path to
Permanent Residency for Beneficiaries of DACA, TPS, and DED**

WHEREAS, more than 1.1 million hardworking men and women stand to lose their work authorization and legal status in this country unless Congress takes steps to defend Deferred Action for Childhood Arrivals (DACA), Temporary Protected Status (TPS), and Deferred Enforced Departure (DED), whose protections have been canceled by the Trump Administration; and

WHEREAS, our entire workforce benefits from these programs that allow people to live and work without fear in our country, and we will all be harmed if these workers lose their status; and

WHEREAS, there are more than 800,000 DACA recipients in this country who have grown up here, gone to school and even served in the military. There are more than 320,000 TPS holders who have been working, paying taxes and contributing to our economy and belong to our unions. Many have lived here for decades, purchased homes and raised families that include U.S.-born children; and

WHEREAS, without legislative action for permanent solutions, more than 300,000 TPS and DED holders could be uprooted this year, including South Sudan in May, Nepal in June, Haiti in July and El Salvador in September; and

WHEREAS, TPS is a successful program that serves important humanitarian purposes while helping to raise wages, support a stable workforce and reduce exploitation. Studies have shown that TPS holders have a workforce participation rate of 88.5 percent, with particular concentrations in construction and service industries; and

WHEREAS, terminating these protections would separate families, force workers into the shadows, and cause far-reaching harm in worksites and industries across the country. Termination of TPS would lead to an estimated \$45 billion reduction in gross domestic product, an immediate \$69 billion reduction in tax contributions and an estimated \$1 billion in employer costs; and

WHEREAS, ending TPS protections will only serve to expand the pool of vulnerable workers in our labor market and force a growing number of immigrants and union members to work under a cloud of fear. Stripping status and work permits from long-term, taxpaying members of our society is not in the interests of working people; and

WHEREAS, the Dream and Promise Act of 2019 H.R. 6 would provide protections from deportation and offer a well-earned path to permanent residency to hardworking people who have played by the rules for decades; and

THEREFORE, BE IT RESOLVED, the San Francisco Labor Council hereby commits to (1) sponsoring an educational forum (2) coordinating/organizing delegate support (3) organizing presentations at delegates and executive committee meetings (4) supporting demonstrations, protests and direct action to demand passage of the Dream and Promise Act H.R. 6; and

BE IT FURTHER RESOLVED, the San Francisco Labor Council urges its affiliates to engage in organizing their members to be involved, to hold educational forums and to have presentations at membership or executive board meetings; and

BE IT FURTHER RESOLVED, the San Francisco Labor Council urges its affiliates to engage in phone-banking to Senators and Congressional Representatives, as well as sending letters to Representatives of the districts in their jurisdiction; and

BE IT FINALLY RESOLVED, the San Francisco Labor Council will send copies of this resolution to Bay Area Labor Councils urging them to take similar action.

Adopted unanimously by the San Francisco Labor Council on April 8, 2019.

OPEIU 29 AFL-CIO 11

Introduction Form

By a Member of the Board of Supervisors or Mayor

BOARD OF SUPERVISORS
SAN JOSE, CALIFORNIA2019 MAY 14 PM 2:55
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☒ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor [] inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Fewer, Yee, Mar, Walton, Ronen, Brown, Mandelman, Peskin

Subject:

Supporting United States House Resolution No. 6 (Roybal-Allard) – American Dream and Promise Act of 2019

The text is listed:

Resolution supporting United States House Resolution No. 6, authored by United States Representative Lucille Roybal-Allard, the American Dream and Promise Act of 2019, which would protect beneficiaries of Deferred Action for Childhood Arrivals, Temporary Protected Status, and Deferred Enforced Departure against deportation and provide a path to permanent residency.

Signature of Sponsoring Supervisor:

Samuel Lee Furr

Clerk's Use Only

