

115TH CONGRESS
1ST SESSION

H. R. 4253

To amend the Immigration and Nationality Act to provide for certain protections for aliens granted temporary protected status or deferred enforced departure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2017

Ms. VELÁZQUEZ (for herself, Mr. TED LIEU of California, Ms. BASS, Mr. CROWLEY, Ms. NORTON, Mr. MCGOVERN, Mrs. DEMINGS, Mr. ESPAILLAT, Mr. CARSON of Indiana, Mr. GOMEZ, Mr. VARGAS, Mr. GRIJALVA, Mrs. NAPOLITANO, Mrs. TORRES, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Miss RICE of New York, Mr. CASTRO of Texas, and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to provide for certain protections for aliens granted temporary protected status or deferred enforced departure, 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 Promise Act
5 of 2017”.

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

5 Title II of the Immigration and Nationality Act (8
6 U.S.C. 1101 et seq.) is amended by inserting after section
7 244 the following (and amending the table of contents ac-
8 cordingly):

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

13 “(a) IN GENERAL.—The status of any alien described
14 in subsection (c) shall be adjusted by the Secretary of
15 Homeland Security to that of an alien lawfully admitted
16 for permanent residence, if the alien—

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

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

21 “(3) meets the criteria established under sub-
22 section (c)

23 “(b) CERTAIN GROUNDS FOR INADMISSIBILITY INAP-
24 PLICABLE.—

25 “(1) IN GENERAL.—For purposes of deter-
26 mining admissibility under subsection (a)(2), the

1 grounds for inadmissibility specified in paragraphs
2 (4), (5), (6)(A), and (7)(A) of section 212(a) of the
3 Immigration and Nationality Act shall not apply.

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

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

12 “(1) is a national of a country (or part of a
13 country) with a designation under 244(b) of the Im-
14 migration and Nationality Act during the period
15 specified in section 244(b)(2) and who was granted
16 temporary protected status, or was otherwise eligible
17 for temporary protected status, on or before October
18 1, 2017, or has been granted Deferred Enforced De-
19 parture (hereinafter in this section referred to as
20 ‘DED’) on or before October 1, 2017; and

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

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

10 “(e) EFFECT OF APPLICATION ON CERTAIN OR-
11 DERS.—An alien present in the United States who has
12 been ordered removed or has been granted voluntary de-
13 parture from the United States may, notwithstanding
14 such order, apply for adjustment of status under this sec-
15 tion. Such alien shall not be required to file a separate
16 motion to reopen, reconsider, or vacate the order of re-
17 moval. If the Secretary approves the application, the Sec-
18 retary shall cancel the order of removal. If the Secretary
19 renders a final administrative decision to deny the applica-
20 tion, the order of removal shall be effective and enforce-
21 able to the same extent as if the application had not been
22 made.

23 “(f) WORK AUTHORIZATION.—The Secretary shall
24 authorize an alien who has applied for adjustment of sta-
25 tus under this section to engage in employment in the

1 United States during the pendency of such application and
2 shall provide the alien with an appropriate document signi-
3 fying authorization of employment.

4 “(g) ADJUSTMENT OF STATUS FOR CERTAIN FAMILY
5 MEMBERS.—

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

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

12 “(B) applies for adjustment under this sec-
13 tion within 3 years after the date of enactment
14 of this Act; and

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

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

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

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

3 “(2) aliens subject to removal proceedings
4 under section 240.

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

10 “(j) TREATMENT OF BRIEF, CASUAL, AND INNOCENT
11 DEPARTURES AND CERTAIN OTHER ABSENCES.—An
12 alien who has failed to maintain the 3-year continuous
13 physical presence requirement under subsection (c) be-
14 cause of brief, casual, and innocent departures or, emer-
15 gency travel, or extenuating circumstances outside of the
16 control of the alien, shall not be considered to have failed
17 to maintain continuous physical presence in the United
18 States.

19 “(k) RULE OF CONSTRUCTION.—Nothing in this Act
20 shall be construed to include aliens (as a class or indi-
21 vidual basis) from previously designated countries that no
22 longer have valid temporary protected status designation
23 under section 244(b), or aliens who no longer have a valid
24 deferred enforced departure status, unless such designated

1 status or previously deferred enforced departure expires
2 on or after January 1, 2017.

3 “(l) DEFINITIONS.—In this section:

4 “(1) The term ‘domestic partner’ means an
5 adult of at least 18 years of age in a committed rela-
6 tionship with the alien applying for adjustment. A
7 committed relationship is one in which the employee
8 and the domestic partner of the employee are each
9 other’s sole domestic partner (and are not married
10 to or domestic partners with anyone else) and share
11 responsibility for a significant measure of each oth-
12 er’s common welfare and financial obligations. This
13 includes, but is not limited to, any relationship be-
14 tween two individuals of the same or opposite sex
15 that is granted legal recognition by a State or by the
16 District of Columbia as a marriage or analogous re-
17 lationship (including, but not limited to, a civil
18 union).

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

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

1 **SEC. 3. REPORTING REQUIREMENTS REGARDING FUTURE**
2 **DISCONTINUED ELIGIBILITY OF ALIENS**
3 **FROM COUNTRIES CURRENTLY LISTED**
4 **UNDER TEMPORARY PROTECTED STATUS.**

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

9 “(D) **REPORT ON TERMINATIONS.**—Within
10 3 days after the Attorney General’s announce-
11 ment, including by notice in the Federal Reg-
12 ister, of a country’s designation being termi-
13 nated from Temporary Protected Status, the
14 Attorney General shall submit to the Committee
15 on the Judiciary of the Senate and the House
16 Judiciary Committee a report that includes—

17 “(i) an explanation of the event or
18 events that initially prompted a country’s
19 designation under temporary protected sta-
20 tus;

21 “(ii) the progress the country has
22 made in remedying the designation speci-
23 fied in clause (i), including any significant
24 challenges or shortcomings that have not
25 been addressed since the initial designa-
26 tion;

1 “(iii) an analysis, with applicable and
2 relevant metrics as determined by the Sec-
3 retary, of the country’s ability to repatriate
4 its nationals, including—

5 “(I) the country’s financial abil-
6 ity to provide for its repatriated citi-
7 zens;

8 “(II) the country’s financial abil-
9 ity to address the initial designation
10 specified in clause (i) without foreign
11 assistance;

12 “(III) the country’s gross domes-
13 tic product, gross domestic product
14 per capita, and an analysis of the
15 country’s ability to be economically
16 self-sufficient without foreign assist-
17 ance;

18 “(IV) the economic and social
19 impact repatriation of nationals in
20 possession of temporary protected sta-
21 tus would have on the recipient coun-
22 try; and

23 “(V) any additional metrics the
24 Secretary deems necessary.”.

1 **SEC. 4. ADJUSTMENT OF RELATION OF PERIOD OF TEM-**
2 **PORARY PROTECTED STATUS TO CANCELLA-**
3 **TION OF REMOVAL.**

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

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

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

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

11 “(2) WAIVER FOR CERTAIN TEMPORARY PRO-
12 TECTED STATUS HOLDERS.—The provisions in sub-
13 section (e) shall not apply to an Alien who is eligible
14 for adjustment of status pursuant to section 244A
15 of the Immigration and Nationality Act.”.

16 **SEC. 5. ELIGIBILITY FOR NATURALIZATION.**

17 (a) IN GENERAL.—Notwithstanding sections 319(b),
18 328, and 329 of the Immigration and Nationality Act (8
19 U.S.C. 1430(b), 1439, and 1440), an alien whose status
20 is adjusted under section 244A of the Immigration and
21 Nationality Act to that of an alien lawfully admitted for
22 permanent residence may apply for naturalization under
23 chapter 2 of title III of the Immigration and Nationality
24 Act (8 U.S.C. 1421 et seq.) not earlier than 5 years after
25 such adjustment of status.

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

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

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

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

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

○