

118TH CONGRESS
1ST SESSION

H. R. 5145

To extend immigration benefits to survivors of domestic violence, sexual assault, human trafficking, and other gender-based violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2023

Ms. JAYAPAL (for herself, Ms. SCHAKOWSKY, Mr. ESPAILLAT, Mr. PANETTA, Mr. NADLER, Ms. BARRAGÁN, Mr. BLUMENAUER, Mr. CARBAJAL, Mr. CASAR, Mr. CASTEN, Mr. CASTRO of Texas, Ms. CHU, Mr. GARCÍA of Illinois, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. MCGOVERN, Ms. MENG, Mrs. NAPOLITANO, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Ms. SCANLON, and Ms. TLAIB) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Education and the Workforce, Energy and Commerce, and Financial Services, 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 extend immigration benefits to survivors of domestic violence, sexual assault, human trafficking, and other gender-based violence, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Working for Immi-
3 grant Safety and Empowerment Act of 2023” or as the
4 “WISE Act of 2023”.

5 **SEC. 2. PURPOSE; SENSE OF CONGRESS.**

6 (a) **PURPOSE.**—The purpose of this Act is to remove
7 barriers to immigration status for non-citizen survivors of
8 domestic violence, sexual assault, human trafficking, and
9 other crimes who may be eligible for protections under the
10 Violence Against Women Act of 1994 (VAWA) and the
11 Trafficking Victims Protection Act of 2000 (TVPA) and
12 other vulnerable immigrants.

13 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
14 gress that the Secretary of Homeland Security should re-
15 duce barriers to, and provide victims timely access to the
16 immigration protections such as those created in VAWA
17 and the TVPA, as well as refrain from deporting crime
18 victims before their applications for humanitarian relief
19 are fully adjudicated, as it undermines critical bi-partisan
20 protections created in VAWA and the TVPA.

21 **SEC. 3. U VISA REFORM.**

22 (a) **PHYSICAL OR MENTAL ABUSE.**—Section
23 101(a)(15)(U)(i)(I) of the Immigration and Nationality
24 Act (8 U.S.C. 1101(a)(15)(U)(i)(I)) is amended by strik-
25 ing the semicolon after “criminal activity described in

1 clause (iii)” and inserting the following: “or civil violations
2 described in clause (iv); and”.

3 (b) REMOVAL OF CERTAIN BASES.—Section
4 101(a)(15)(U)(i) of the Immigration and Nationality Act
5 (8 U.S.C. 1101(a)(15)(U)(i)) is amended by striking sub-
6 clauses (II) and (III).

7 (c) INCLUSION OF CIVIL VIOLATIONS.—Section
8 101(a)(15)(U)(i)(IV) of the Immigration and Nationality
9 Act (8 U.S.C. 1101(a)(15)(U)(i)(IV)) is amended—

10 (1) by striking “(IV)” and inserting “(II)”; and

11 (2) by inserting after “criminal activity de-
12 scribed in clause (iii)” the following: “or civil viola-
13 tions described in clause (iv)”.

14 (d) CIVIL VIOLATIONS DESCRIBED.—Section
15 101(a)(15)(U)) of the Immigration and Nationality Act
16 (8 U.S.C. 1101(a)(15)(U)) is amended—

17 (1) in clause (ii)(II), by striking “and” at the
18 end;

19 (2) in clause (iii), by striking “or” at the end
20 and inserting “and”; and

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

22 “(iv) the term ‘civil violations’ refers
23 to violations related to the activities de-
24 scribed in clause (iii) that may give rise to

1 a civil or administrative investigation, pro-
2 ceeding or adjudication; or”.

3 (e) ADDING QUALIFYING CRIMES AND CIVIL VIOLA-
4 TIONS.—Section 101(a)(15)(U) of the Immigration and
5 Nationality Act, as amended by this Act (8 U.S.C.
6 1101(a)(15)(U)), is further amended—

7 (1) by moving clause (iii) 2 ems to the left; and
8 (2) in clause (iii), by inserting after “fraud in
9 foreign labor contracting (as defined in section 1351
10 of title 18, United States Code)” the following: “;
11 hate crime acts; child abuse; elder abuse;”.

12 (f) CERTIFICATIONS.—Section 214(p)(1) of the Im-
13 migration and Nationality Act (8 U.S.C. 1184(p)(1)) is
14 amended to read as follows:

15 “(1) PETITION FILING.—A petition filed by the
16 alien under 101(a)(15)(U)(i) shall be filed with the
17 Secretary of Homeland Security.”.

18 (g) ELIMINATING ANNUAL U VISA NUMERICAL LIM-
19 TATION.—Section 214(p) of the Immigration and Nation-
20 ality Act (8 U.S.C. 1184(p)) is amended by striking para-
21 graph (2).

22 (h) EMPLOYMENT AUTHORIZATION.—Section 214(p)
23 of the Immigration and Nationality Act (8 U.S.C.
24 1184(p)) is amended—

1 (1) in paragraph (3)(B), by striking “during
2 the period those aliens are in lawful temporary resi-
3 dent status under that subsection, provide the aliens
4 with employment authorization” and inserting “pro-
5 vide the aliens with employment authorization pur-
6 suant to paragraph (8)”;

7 (2) in paragraph (6)—

8 (A) in the first sentence by striking “than
9 4 years” and all that follows through the pe-
10 riod;

11 (B) in the second sentence, strike “excep-
12 tional” and insert “compelling”; and

13 (C) by striking the last sentence; and

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

15 “(8) WORK AUTHORIZATION.—The Secretary of
16 Homeland Security shall grant employment author-
17 ization to an alien who has filed an application for
18 nonimmigrant status under section 101(a)(15)(U)
19 on the date that is the earlier of—

20 “(A) the date on which the alien’s applica-
21 tion for such status is approved; or

22 “(B) a date determined by the Secretary
23 that is not later than 180 days after the date
24 on which the alien filed the application.

1 Eligibility for work authorization in the United
2 States under another provision of this Act does not
3 preclude the issuance of work authorization under
4 this paragraph. Such employment authorization shall
5 continue in effect while the alien has temporary resi-
6 dent status under section 101(a)(15)(U).”.

7 (i) PAROLE FOR U VISA WAITLIST.—The Secretary
8 shall, when appropriate, grant parole to petitioners for a
9 visa under section 101(a)(15)(U) and qualifying family
10 members abroad who seek parole while the petitions are
11 pending.

12 (j) ELIMINATE CIVIL PENALTIES FOR FAILURE TO
13 DEPART.—Section 240B(d)(2) of the Immigration and
14 Nationality Act (8 USC 1229c(d)(2)) is amended to read
15 as follows:

16 “(2) APPLICATION OF VAWA AND TVPA PROTEC-
17 TIONS.—The restrictions on relief under paragraph
18 (1) shall not apply to relief under section 240A or
19 section 245 on the basis of—

20 “(A) a petition filed under section
21 101(a)(15)(U);

22 “(B) a petition filed under section
23 101(a)(27)(J);

24 “(C) adjustment of status application filed
25 under section 245(h);

1 “(D) a petition filed under section
2 101(a)(15)(T);

3 “(E) a petition or application referred to
4 under section 101(a)(51) filed by a VAWA self-
5 petitioner; or

6 “(F) a petition filed under section
7 240A(b)(2), or under section 244(a)(3) (as in
8 effect prior to March 31, 1997).”.

9 (k) AGING OUT DETERMINATIONS.—

10 (1) Section 214(p)(7)(A) of the Immigration
11 and Nationality Act (8 U.S.C. 1184(p)(7)(A)) is
12 amended—

13 (A) by striking “unmarried”; and

14 (B) by striking “but while it was pending”.

15 (2) Section 214(p)(7)(B) of the Immigration
16 and Nationality Act (8 U.S.C. 1184(p)(7)(B)) is
17 amended by striking “but while it is pending”.

18 (3) Section 245(m)(3) of the Immigration and
19 Nationality Act (8 U.S.C. 1255(m)(3)) is amend-
20 ed—

21 (A) by inserting “(A) IN GENERAL.—” be-
22 fore “Upon approval”; and

23 (B) by adding at the end the following:

24 “(B) CHILDREN.—An alien who seeks to adjust
25 status or obtain an immigrant visa based upon a

1 parent’s application for adjustment of status, and
2 who was under 21 years of age on the date on which
3 such parent applied for adjustment of status, shall
4 continue to be classified as a child for purposes of
5 this paragraph, if the alien attains 21 years of age
6 after such parent’s petition was filed.

7 “(C) PRINCIPAL ALIENS.—A parent described
8 subparagraph (A) shall continue to be treated as a
9 parent for purposes of this paragraph if the alien
10 child attains 21 years of age after his or her applica-
11 tion for status under paragraph (1) of such section
12 is filed.”.

13 (I) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect as if enacted as part of the
15 Victims of Trafficking and Violence Protection Act of
16 2000 (Public Law 106–386; 114 Stat. 1464) for all those
17 who were not otherwise admitted into the United States
18 in under section 101(a)(15)(U) (8 U.S.C.
19 1101(a)(15)(U)).

20 **SEC. 4. IMMIGRATION STATUS FOR CERTAIN BATTERED**
21 **SPOUSES AND CHILDREN.**

22 (a) NONIMMIGRANT STATUS FOR CERTAIN BAT-
23 TERED SPOUSES AND CHILDREN.—Section 101(a)(51) of
24 the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(51)) is amended—

1 (1) in subparagraph (F), by striking “or” at
2 the end;

3 (2) in subparagraph (G), by striking the period
4 at the end and inserting “; or”; and

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

6 “(H) section 106 as an abused derivative
7 alien.”.

8 (b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—

9 (1) AMENDMENT.—Section 106 of the Immi-
10 gration and Nationality Act (8 U.S.C. 1105a) is
11 amended to read as follows:

12 **“SEC. 106. RELIEF FOR ABUSED DERIVATIVE ALIENS.**

13 “(a) ABUSED DERIVATIVE ALIEN DEFINED.—In this
14 section, the term ‘abused derivative alien’ means an alien
15 who—

16 “(1) is a spouse or child admitted under section
17 101(a)(15);

18 “(2) is accompanying or following to join a
19 principal alien admitted under such section; and

20 “(3) has been subject to battery or extreme cru-
21 elty by such principal alien.

22 “(b) RELIEF FOR ABUSED DERIVATIVE ALIENS.—
23 The Secretary of Homeland Security—

24 “(1) shall consider an abused derivative alien
25 and any child of that alien be admissible and eligible

1 to extend the period of admission for the period for
2 the period that is the longer of—

3 “(A) the same period for which the prin-
4 cipal alien was initially admitted; or

5 “(B) 3 years;

6 “(2) may extend any period of admission under
7 paragraph (1) as the Secretary determines appro-
8 priate;

9 “(3) shall grant employment authorization to
10 an abused derivative alien and any eligible child of
11 that alien; and

12 “(4) may adjust the status of an alien admitted
13 or whose admission is extended under this section to
14 that of an alien lawfully admitted for permanent res-
15 idence if—

16 “(A)(i) the abused derivative alien is not
17 inadmissible under section 212(a); or

18 “(ii) the Secretary of Homeland Security
19 determines that the continued presence in the
20 United States of the abused derivative alien is
21 justified—

22 “(I) on humanitarian grounds;

23 “(II) to ensure family unity; or

24 “(III) is otherwise in the public inter-
25 est; and

1 “(B) the status under which the principal
2 alien was admitted to the United States would
3 have potentially allowed for eventual adjustment
4 of status.

5 “(c) PROVISIONS FOR CHILDREN.—

6 “(1) IN GENERAL.—An alien whose parent ad-
7 justed status to that of a lawful permanent resident
8 under this section, and who was under 21 years of
9 age on the date on which such parent petitioned for
10 such adjustment, shall continue to be classified as a
11 child if the alien attains 21 years of age after such
12 parent’s petition was filed.

13 “(2) CONSTRUCTIVE FILING.—For purposes of
14 this section, an individual who qualified to file a pe-
15 tition under this section as of the day before the
16 date on which the individual attained 21 years of
17 age, and who did not file such a petition before such
18 day, shall be deemed as having filed a petition under
19 this section as of such day if a petition is filed be-
20 fore the individual attains 25 years of age and the
21 individual shows that the battery or extreme cruelty
22 described in subsection (a)(3) was a primary cause
23 for the delay in filing.

24 “(d) RELATIONSHIP CONSIDERATIONS.—

1 “(1) IN GENERAL.—The death of the principal
2 alien shall not affect the status of an abused deriva-
3 tive alien under this section.

4 “(2) EFFECT OF LOSS OF STATUS OR TERMI-
5 NATION OF RELATIONSHIP.—The principal alien’s
6 loss of status or the legal termination of the abused
7 derivative alien’s familial or marital relationship
8 with principal alien shall not affect the status of an
9 abused derivative alien under this section if battery
10 or extreme cruelty by the principal alien was one
11 central reason for such termination or loss of status.

12 “(3) GOOD FAITH BELIEF IN MARRIAGE.—In
13 the case of an alien who—

14 “(A) believed that he or she had married
15 the principal alien;

16 “(B) participated in a marriage ceremony
17 with the principal alien that was actually per-
18 formed; and

19 “(C) who otherwise meets any applicable
20 requirements under this Act to establish the ex-
21 istence of and bona fides of a marriage,
22 that alien may not be considered not to be the
23 spouse of such principal alien for purposes of this
24 section solely because the marriage to the principal
25 alien was invalid on the basis of bigamy.

1 “(e) PROCEDURES.—A request for relief under this
2 section shall be handled under the procedures that apply
3 to an alien seeking relief under—

4 “(1) any of clauses (iii) through (viii) of section
5 204(a)(1)(A);

6 “(2) any of clauses (ii) through (v) of section
7 204(a)(1)(B); or

8 “(3) subparagraph (C) or (D) of section
9 204(a)(1).

10 “(f) DERIVATIVES OF ABUSED DERIVATIVE
11 ALIENS.—

12 “(1) DERIVATIVE STATUS.—Upon approval of
13 adjustment of status of an abused derivative alien,
14 the Secretary of Homeland Security may, to the ex-
15 tent necessary to avoid extreme hardship to the
16 abused derivative alien or a covered derivative of the
17 abused derivative alien, adjust the status of a cov-
18 ered derivative of the abused derivative alien to that
19 of an alien lawfully admitted for permanent resi-
20 dence or issue an immigrant visa to such covered de-
21 rivative.

22 “(2) RECORDING.—Upon the approval of ad-
23 justment of status under paragraph (1), the Sec-
24 retary of Homeland Security shall record the alien’s

1 lawful admission for permanent residence as of the
2 date of such approval.

3 “(3) DEFINITION.—For purposes of this sub-
4 section, the term ‘covered derivative’ means, with re-
5 spect to an abused derivative alien, a spouse, a child,
6 or, in the case that the primary alien is an alien
7 child, a parent who did not receive status pursuant
8 to this section.

9 “(g) NO EFFECT ON OTHER ELIGIBILITIES.—Ad-
10 mission and eligibility for adjustment of status under sub-
11 section (b) shall not preclude adjustment of status based
12 on other grounds for which the alien is eligible.”.

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents preceding section 101 of the Immigration and
15 Nationality Act (8 U.S.C. 1101) is amended by
16 striking the item relating to section 106 and insert-
17 ing the following:

“Sec. 106. Relief for abused derivative aliens.”.

18 (c) SURVIVAL RIGHTS TO SELF-PETITION.—Section
19 204(h) of the Immigration and Nationality Act (8 U.S.C.
20 1154(h)) is amended in the second sentence by amending
21 to read as follows: “Remarriage or marriage of a VAWA
22 self-petitioner who has filed an application or petition for
23 relief under any provision referred to section 101(a)(51)
24 shall have no effect on approval of such petition or applica-

1 tion and shall not be the basis for revocation of an petition
2 under section 205.”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall apply to VAWA self-petitioners filing
6 applications before, on, or after the date of the enactment
7 of this Act.

8 **SEC. 5. PROHIBITION ON DETENTION OF CERTAIN VICTIMS**
9 **WITH PENDING OR APPROVED PETITIONS**
10 **AND APPLICATIONS.**

11 Section 236 of the Immigration and Nationality Act
12 (8 U.S.C. 1226) is amended by adding at the end the fol-
13 lowing:

14 “(f) **PROHIBITION ON DETENTION OF CERTAIN VIC-**
15 **TIMS WITH PENDING OR APPROVED PETITIONS AND AP-**
16 **PLICATIONS.**—

17 “(1) **IN GENERAL.**—Notwithstanding any other
18 provision of this Act, there shall be a presumption
19 that the alien described in paragraph (2) shall be re-
20 leased from detention without conditions. The Sec-
21 retary of Homeland Security may rebut the pre-
22 sumption if the Secretary determines, based on clear
23 and convincing evidence that is retained in the
24 record, including credible and individualized infor-
25 mation, that the use of alternatives to detention will

1 not reasonably ensure the appearance of the alien at
2 removal proceedings, or that the alien is a danger to
3 another person or the community. The fact that an
4 alien has a criminal charge pending against the alien
5 or dismissed may not be the sole factor to justify the
6 continued detention of the alien.

7 “(2) ALIEN DESCRIBED.—An alien described in
8 this paragraph is an alien who—

9 “(A) has a pending application under sec-
10 tion 101(a)(15)(T), 101(a)(15)(U), 106,
11 240A(b)(2), or 244(a)(3) (as in effect on March
12 31, 1997);

13 “(B) is a VAWA self-petitioner with a
14 pending application for relief under a provision
15 referred to in one of subparagraphs (A) through
16 (G) of section 101(a)(51); or

17 “(C) has a pending or approved petition
18 under section 101(a)(27)(J) of the Immigration
19 and Nationality Act (8 U.S.C.
20 1101(a)(27)(J)).”.

21 **SEC. 6. ACCESS TO CERTAIN INFORMATION.**

22 Section 384 of the Illegal Immigration Reform and
23 Immigration Responsibility Act of 1996 (8 U.S.C 1367)
24 is amended as follows:

25 (1) in subsection (a)(1)—

1 (A) by striking “solely” after “furnished”;

2 and

3 (B) by striking “or” at the end;

4 (2) in subsection (a)(2)—

5 (A) by inserting “, files, or records,” after
6 “information”;

7 (B) by striking “relates” and inserting
8 “relate”; or

9 (C) by striking the period at the end and
10 inserting “; or”

11 (3) in subsection (a), by adding at the end the
12 following:

13 “(3) except as provided in this subsection—

14 “(A) use the information furnished by the
15 applicant pursuant to an application or petition
16 filed under paragraph (15)(T), (15)(U),
17 (27)(J), or (51) of section 101(a) of the Immi-
18 gration and Nationality Act, or section
19 240A(b)(2) of such Act, for any purpose other
20 than to make a determination on the applica-
21 tion, or for enforcement of subsection (c) of this
22 section;

23 “(B) make any publication whereby the in-
24 formation furnished by any particular individual

1 would permit the individual to be identified or
2 located; or

3 “(C) permit anyone other than the sworn
4 officers and employees of the Department or
5 bureau or agency to examine individual applica-
6 tions.”;

7 (4) in subsection (b)(2), by striking “legitimate
8 law enforcement purpose,” and inserting “a criminal
9 investigation or prosecution,”;

10 (5) in subsection (b)(4), to read as follows:

11 “(4) Paragraphs (2) and (3) of subsection (a)
12 shall not apply if all the individuals in the case are
13 adults and they have all waived, in writing, the re-
14 strictions of such subsection.”;

15 (6) in subsection (c) by striking “5,000” and
16 inserting “10,000”;

17 (7) in subsection (d) by adding at the end the
18 following: “The Attorney General, Secretary of
19 State, and the Secretary of Homeland Security shall
20 provide Congress with an annual report regarding
21 training provided to officers and employees, number
22 of investigations opened for violations of paragraphs
23 (1) through (3) of subsection (a), and the results of
24 those investigations.”; and

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

1 “(e) REMEDIAL MEASURES.—The Attorney General,
2 Secretary of State, and the Secretary of Homeland Secu-
3 rity shall make rules not later than 120 days after the
4 date of enactment of this subsection to establish a process,
5 for the benefit of individuals harmed by violations of this
6 section, to determine whether there has been a violation
7 of this section, and to remedy any such violation. Such
8 process shall include an appeal process for any determina-
9 tion that a violation did not occur.

10 “(f) CAUSE OF ACTION.—An individual who is in-
11 jured by a violation of this section may bring a civil action
12 for appropriate relief, including an order to strike any in-
13 formation obtained or provided in violation of this section
14 from the appropriate records.

15 “(g) ANNUAL REPORT.—Each year the Attorney
16 General, Secretary of State, and the Secretary of Home-
17 land Security shall each report on the number of employ-
18 ees sanctioned for violations of this section.”.

19 **SEC. 7. POWERS OF IMMIGRATION OFFICERS AND EMPLOY-**
20 **EES AT PROTECTED AREAS.**

21 Section 287 of the Immigration and Nationality Act
22 (8 U.S.C. 1357) is amended by adding at the end the fol-
23 lowing:

24 “(i)(1) In this subsection:

1 “(A) The term ‘appropriate committees of Con-
2 gress’ means—

3 “(i) the Committee on Homeland Security
4 and Governmental Affairs of the Senate;

5 “(ii) the Committee on the Judiciary of the
6 Senate;

7 “(iii) the Committee on Homeland Security
8 of the House of Representatives; and

9 “(iv) the Committee on the Judiciary of
10 the House of Representatives.

11 “(B) The term ‘enforcement action’—

12 “(i) means an apprehension, arrest, inter-
13 view, request for identification, search, or sur-
14 veillance for the purposes of immigration en-
15 forcement; and

16 “(ii) includes an enforcement action at, or
17 focused on, a protected area that is part of a
18 joint case led by another law enforcement agen-
19 cy.

20 “(C) The term ‘exigent circumstances’ means a
21 situation involving—

22 “(i) a threat to the national security of the
23 United States;

24 “(ii) the imminent risk of death, violence,
25 or physical harm to any person;

1 “(iii) the immediate arrest or pursuit of an
2 individual who poses a public safety threat; or

3 “(iv) the imminent risk of destruction of
4 evidence that is material to an ongoing criminal
5 case.

6 “(D) The term ‘prior approval’ means—

7 “(i) in the case of officers and agents of
8 U.S. Immigration and Customs Enforcement,
9 prior written approval to carry out an enforce-
10 ment action involving a specific individual or in-
11 dividuals authorized by—

12 “(I) the Assistant Director of Oper-
13 ations, Homeland Security Investigations;

14 “(II) the Executive Associate Director
15 of Homeland Security Investigations;

16 “(III) the Assistant Director for Field
17 Operations, Enforcement and Removal Op-
18 erations; or

19 “(IV) the Executive Associate Direc-
20 tor for Field Operations, Enforcement and
21 Removal Operations;

22 “(ii) in the case of officers and agents of
23 U.S. Customs and Border Protection, prior
24 written approval to carry out an enforcement

1 action involving a specific individual or individ-
2 uals authorized by—

3 “(I) a Chief Patrol Agent;

4 “(II) the Director of Field Operations;

5 “(III) the Director of Air and Marine
6 Operations; or

7 “(IV) the Internal Affairs Special
8 Agent in Charge; and

9 “(iii) in the case of other Federal, State,
10 or local law enforcement officers, to carry out
11 an enforcement action involving a specific indi-
12 vidual or individuals authorized by—

13 “(I) the head of the Federal agency
14 carrying out the enforcement action; or

15 “(II) the head of the State or local
16 law enforcement agency carrying out the
17 enforcement action.

18 “(E) The term ‘protected area’ includes all of
19 the physical space located within 1,000 feet of—

20 “(i) any medical or mental health treat-
21 ment or health care facility, including any hos-
22 pital, doctor’s office, accredited health clinic, al-
23 cohol or drug treatment center, site that serves
24 pregnant individuals, vaccination or testing site,

1 emergent or urgent care facility, or community
2 health center;

3 “(ii) any public or private school, including
4 any known and licensed day care facility, pre-
5 school, other early learning program facility,
6 primary school, secondary school, postsecondary
7 school (including colleges and universities), or
8 other institution of learning (including voca-
9 tional or trade schools);

10 “(iii) any scholastic or education-related
11 activity or event, including field trips and inter-
12 scholastic events;

13 “(iv) any school bus or school bus stop
14 during periods when school children are present
15 on the bus or at the stop;

16 “(v) any place where children gather, such
17 as a playground, recreation center, childcare
18 center, before- or after-school care center, foster
19 care facility, or group home for children;

20 “(vi) any organization that—

21 “(I) assists children, pregnant individ-
22 uals, victims of crime or abuse, or individ-
23 uals with significant mental or physical
24 disabilities; or

1 “(II) provides disaster or emergency
2 social services and assistance;

3 “(vii) any church, synagogue, mosque, or
4 other place of worship, including buildings
5 rented for the purpose of religious services, re-
6 treats, counseling, workshops, instruction, and
7 education;

8 “(viii) any Federal, State, or local court-
9 house, including the office of an individual’s
10 legal counsel or representative, and a probation,
11 parole, or supervised release office;

12 “(ix) the site of a funeral, wedding, or
13 other religious ceremony or observance;

14 “(x) any public demonstration, such as a
15 march, rally, or parade;

16 “(xi) any domestic violence shelter, rape
17 crisis center, supervised visitation center, family
18 justice center, or victim services provider;

19 “(xii) any youth or teen homeless shelter;
20 or

21 “(xiii) any other location specified by the
22 Secretary of Homeland Security for purposes of
23 this subsection.

24 “(2)(A) An enforcement action may not take place
25 at, or be focused on, a protected area unless—

1 “(i) the action involves exigent circumstances;
2 and

3 “(ii) prior approval for the enforcement action
4 was obtained from the appropriate official.

5 “(B) If an enforcement action is initiated pursuant
6 to subparagraph (A) and the exigent circumstances per-
7 mitting the enforcement action cease, the enforcement ac-
8 tion shall be discontinued until such exigent circumstances
9 reemerge.

10 “(C) If an enforcement action is carried out in viola-
11 tion of this subsection—

12 “(i) no information resulting from the enforce-
13 ment action may be entered into the record or re-
14 ceived into evidence in a removal proceeding result-
15 ing from the enforcement action; and

16 “(ii) the alien who is the subject of such re-
17 moval proceeding may file a motion for the imme-
18 diate termination of the removal proceeding.

19 “(3)(A) This subsection shall apply to any enforce-
20 ment action by—

21 “(i) officers or agents of U.S. Immigration and
22 Customs Enforcement;

23 “(ii) officers or agents of U.S. Customs and
24 Border Protection; and

1 “(iii) any individual designated to perform im-
2 migration enforcement functions pursuant to sub-
3 section (g).

4 “(B) While carrying out an enforcement action at a
5 protected area, officers and agents referred to in subpara-
6 graph (A) shall make every effort—

7 “(i) to limit the time spent at the protected
8 area;

9 “(ii) to limit the enforcement action at the pro-
10 tected area to the person or persons for whom prior
11 approval was obtained; and

12 “(iii) to conduct themselves discreetly.

13 “(C) If, while carrying out an enforcement action
14 that is not initiated at or focused on a protected area,
15 officers or agents are led to a protected area, and no exi-
16 gent circumstance and prior approval with respect to the
17 protected area exists, such officers or agents shall—

18 “(i) cease before taking any further enforce-
19 ment action;

20 “(ii) conduct themselves in a discreet manner;

21 “(iii) maintain surveillance; and

22 “(iv) immediately consult their supervisor in
23 order to determine whether such enforcement action
24 should be discontinued.

1 “(D) The limitations under this paragraph shall not
2 apply to the transportation of an individual apprehended
3 at or near a land or sea border to a hospital or health
4 care provider for the purpose of providing medical care
5 to such individual.

6 “(4)(A) Each official specified in subparagraph (B)
7 shall ensure that the employees under the supervision of
8 that official receive annual training on compliance with—

9 “(i) the requirements under this subsection in
10 enforcement actions at or focused on protected areas
11 and enforcement actions that lead officers or agents
12 to a protected area; and

13 “(ii) the requirements under section 239 of this
14 Act and section 384 of the Illegal Immigration Re-
15 form and Immigrant Responsibility Act of 1996 (8
16 U.S.C. 1367).

17 “(B) The officials specified in this subparagraph
18 are—

19 “(i) the Chief Counsel of U.S. Immigration and
20 Customs Enforcement;

21 “(ii) the Field Office Directors of U.S. Immi-
22 gration and Customs Enforcement;

23 “(iii) each Special Agent in Charge of U.S. Im-
24 migration and Customs Enforcement;

1 “(iv) each Chief Patrol Agent of U.S. Customs
2 and Border Protection;

3 “(v) the Director of Field Operations of U.S.
4 Customs and Border Protection;

5 “(vi) the Director of Air and Marine Operations
6 of U.S. Customs and Border Protection;

7 “(vii) the Internal Affairs Special Agent in
8 Charge of U.S. Customs and Border Protection; and

9 “(viii) the chief law enforcement officer of each
10 State or local law enforcement agency that enters
11 into a written agreement with the Department of
12 Homeland Security pursuant to subsection (g).

13 “(5) The Secretary of Homeland Security shall mod-
14 ify the Notice to Appear form (I-862)—

15 “(A) to provide the subjects of an enforcement
16 action with information, written in plain language,
17 summarizing the restrictions against enforcement
18 actions at protected areas set forth in this sub-
19 section and the remedies available to the alien if
20 such action violates such restrictions;

21 “(B) so that the information described in sub-
22 paragraph (A) is accessible to individuals with lim-
23 ited English proficiency; and

24 “(C) so that subjects of an enforcement action
25 are not permitted to verify that the officers or

1 agents that carried out such action complied with
2 the restrictions set forth in this subsection.

3 “(6)(A) The Director of U.S. Immigration and Cus-
4 toms Enforcement and the Commissioner of U.S. Customs
5 and Border Protection shall each submit an annual report
6 to the appropriate committees of Congress that includes
7 the information set forth in subparagraph (B) with respect
8 to the respective agency.

9 “(B) Each report submitted under subparagraph (A)
10 shall include, with respect to the submitting agency during
11 the reporting period—

12 “(i) the number of enforcement actions that
13 were carried out at, or focused on, a protected area;

14 “(ii) the number of enforcement actions in
15 which officers or agents were subsequently led to a
16 protected area; and

17 “(iii) for each enforcement action described in
18 clause (i) or (ii)—

19 “(I) the date on which it occurred;

20 “(II) the specific site, city, county, and
21 State in which it occurred;

22 “(III) the components of the agency in-
23 volved in the enforcement action;

1 “(IV) a description of the enforcement ac-
2 tion, including the nature of the criminal activ-
3 ity of its intended target;

4 “(V) the number of individuals, if any, ar-
5 rested or taken into custody;

6 “(VI) the number of collateral arrests, if
7 any, and the reasons for each such arrest;

8 “(VII) a certification whether the location
9 administrator was contacted before, during, or
10 after the enforcement action; and

11 “(VIII) the percentage of all of the staff
12 members and supervisors reporting to the offi-
13 cials listed in paragraph (4)(B) who completed
14 the training required under paragraph (4)(A).

15 “(7) Nothing in the subsection may be construed—

16 “(A) to affect the authority of Federal, State,
17 or local law enforcement agencies—

18 “(i) to enforce generally applicable Federal
19 or State criminal laws unrelated to immigra-
20 tion; or

21 “(ii) to protect residents from imminent
22 threats to public safety; or

23 “(B) to limit or override the protections pro-
24 vided in—

25 “(i) section 239; or

1 “(ii) section 384 of the Illegal Immigration
2 Reform and Immigrant Responsibility Act of
3 1996 (8 U.S.C. 1367).”.

4 **SEC. 8. PROTECTIONS AND RELIEF FOR DOMESTIC VIO-**
5 **LENCE SURVIVORS.**

6 (a) **ELIGIBILITY FOR CANCELLATION OF REMOVAL**
7 **FOR DOMESTIC VIOLENCE SURVIVORS.**—Section
8 240A(b)(2)(A)(iv) of the Immigration and Nationality Act
9 (8 U.S.C. 1229b(b)(2)(A)(iv)) is amended to read as fol-
10 lows:

11 “(iv) the alien is not inadmissible
12 under section 212(a)(2)(G), section
13 212(a)(2)(H), or section 212(a)(3) and is
14 not deportable under section
15 237(a)(2)(A)(v) or section 237(a)(4);
16 and”.

17 (b) **JUDICIAL REVIEW IN VAWA CASES.**—

18 (1) **CANCELLATION OF REMOVAL OF DOMESTIC**
19 **VIOLENCE SURVIVORS.**—Section 240A(b)(2) of the
20 Immigration and Nationality Act (8 U.S.C.
21 1229b(b)(2)) is amended by adding at the end the
22 following:

23 “(E) **JUDICIAL REVIEW OF DETERMINA-**
24 **TION FOR DOMESTIC VIOLENCE SURVIVORS.**—A
25 determination of whether an individual is eligi-

1 ble for or entitled to relief under this paragraph
2 or any prior provision of law providing com-
3 parable relief, shall be subject to judicial re-
4 view.”.

5 (2) REVIEW OF ORDERS OF REMOVAL OF DO-
6 MESTIC VIOLENCE SURVIVORS.—Section 242(a)(1)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1252(a)(1)) is amended to read as follows:

9 “(1) GENERAL ORDERS OF REMOVAL.—

10 “(A) IN GENERAL.—Judicial review of a
11 final order of removal (other than an order of
12 removal without a hearing pursuant to section
13 235(b)(1)) is governed only by chapter 158 of
14 title 28 of the United States Code, except as
15 provided in subparagraph (B) or subsection (b),
16 and except that the court may not order the
17 taking of additional evidence under section
18 2347(c) of such title.

19 “(B) DOMESTIC VIOLENCE SURVIVORS AND
20 CRIME VICTIMS.—A final order for the removal
21 of a nonimmigrant described in section
22 101(a)(15)(T) or section 101(a)(15)(U), a
23 VAWA self-petitioner (as defined in section
24 101(a)(51)), an applicant for relief under sec-
25 tion 240A(b)(2), an applicant or petitioner for

1 relief under sections 101(a)(27)(J) or 245(h),
2 or under any prior status providing comparable
3 relief, shall be subject to de novo review by the
4 court.”.

5 (c) AVAILABILITY OF BASIC ASSISTANCE TO LAW-
6 FULLY PRESENT NONCITIZENS.—

7 (1) ELIMINATION OF ARBITRARY ELIGIBILITY
8 RESTRICTIONS.—Sections 402, 403, 411, 412, 421,
9 and 422 of the Personal Responsibility and Work
10 Opportunity Reconciliation Act of 1996 (8 U.S.C.
11 1612, 1613, 1621, 1622, 1631, and 1632) are re-
12 pealed.

13 (2) NOTIFICATION AND INFORMATION REPORT-
14 ING.—Section 404 of the Personal Responsibility
15 and Work Opportunity Reconciliation Act of 1996 (8
16 U.S.C. 1614) is amended by striking “, 402, or
17 403”.

18 (3) QUALIFIED NONCITIZENS.—Title IV of the
19 Personal Responsibility and Work Opportunity Rec-
20 onciliation Act of 1996 (8 U.S.C. 1601 et seq.) is
21 amended—

22 (A) in the header, by striking “**ALIENS**”
23 and inserting “**NONCITIZENS**”;

24 (B) by striking “alien” each place it ap-
25 pears and inserting “noncitizen”;

1 (C) by striking “aliens” each place it ap-
2 pears and inserting “noncitizens”;

3 (D) by striking “alien’s” each place it ap-
4 pears and inserting “noncitizen’s”;

5 (E) by striking “an alien” each place that
6 it appears and inserting “a noncitizen”;

7 (F) by striking “alien” each place that it
8 appears and inserting “noncitizen”;

9 (G) by striking “qualified alien” each place
10 that it appears and inserting “qualified noncit-
11 izen”;

12 (H) by striking “qualified aliens” each
13 place that it appears and inserting “qualified
14 noncitizens”;

15 (I) by striking “qualified alien’s” each
16 place that it appears and inserting “qualified
17 noncitizen’s”;

18 (J) in section 402—

19 (i) in the header, by striking “**QUALI-**
20 **FIED ALIENS**” and inserting “**QUALI-**
21 **FIED NONCITIZENS**”; and

22 (ii) in subsection (a)(2)(L), by strik-
23 ing “**QUALIFIED ALIENS**” and inserting
24 “**QUALIFIED NONCITIZENS**”;

1 (K) in section 403, in the header, by strik-
2 ing “**QUALIFIED ALIENS**” and inserting
3 “**QUALIFIED NONCITIZENS**”;

4 (L) in section 411, in the header, by strik-
5 ing “**QUALIFIED ALIENS**” and inserting
6 “**QUALIFIED NONCITIZENS**”; and

7 (M) in section 412, in the header, by strik-
8 ing “**QUALIFIED ALIENS**” and inserting
9 “**QUALIFIED NONCITIZENS**”.

10 (4) ACCESS TO BASIC SERVICES FOR LAWFULLY
11 RESIDING NONCITIZENS.—Section 431 of the Per-
12 sonal Responsibility and Work Opportunity Rec-
13 onciliation Act of 1996 (8 U.S.C. 1641) is amend-
14 ed—

15 (A) in subsection (b)—

16 (i) in the header, by striking “QUALI-
17 FIED ALIEN” and inserting “QUALIFIED
18 NONCITIZEN”;

19 (ii) by striking “qualified alien” and
20 inserting “qualified noncitizen”;

21 (iii) by striking “alien” and inserting
22 “noncitizen”;

23 (iv) by striking “an alien” and insert-
24 ing “a noncitizen”; and

1 (v) by striking “benefit” and all that
2 follows through the period at the end of
3 the subsection and inserting “benefit, is
4 lawfully present in the United States.”;

5 (B) in subsection (c)—

6 (i) in the header, by striking “QUALI-
7 FIED ALIENS” and inserting “QUALIFIED
8 NONCITIZENS”;

9 (ii) by striking “; or” at the end of
10 paragraph (3) and inserting “;”;

11 (iii) by striking the period at the end
12 of paragraph (4) and inserting “; or”; and

13 (iv) by inserting after paragraph (4):

14 “(5) a noncitizen—

15 “(A) in a category that was treated as law-
16 fully present for purposes of section 1101 of the
17 Patient Protection and Affordable Care Act of
18 2010 (42 U.S.C. 18001);

19 “(B) who met the requirements of section
20 402(a)(2)(D) of the Personal Responsibility and
21 Work Opportunity Reconciliation Act of 1996
22 (8 U.S.C. 1612(a)(2)(D)) on or before January
23 1, 2021;

24 “(C) who is granted special immigrant ju-
25 venile status as described by section

1 101(a)(27)(J) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1101(a)(27)(J));

3 “(D) who has a pending, bona fide applica-
4 tion for nonimmigrant status under section
5 101(a)(15)(U) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1101(1)(15)(U));

7 “(E) who was granted relief under the De-
8 ferred Action for Childhood Arrivals program;
9 or

10 “(F) any other person who is not a citizen
11 of the United States but who resides in a State
12 or territory of the United States and is Feder-
13 ally authorized to be present in the United
14 States.”; and

15 (C) by adding at the end the following new
16 subsection:

17 “(d) NONCITIZEN.—For the purposes of this section,
18 the term ‘noncitizen’ means any individual who is not a
19 citizen of the United States.”.

20 (5) CHILD NUTRITION PROGRAMS.—Section
21 742 of the Personal Responsibility and Work Oppor-
22 tunity Reconciliation Act of 1996 (8 U.S.C. 1615) is
23 amended—

24 (A) in subsection (a)—

1 (i) in the header by striking “SCHOOL
2 LUNCH AND BREAKFAST PROGRAMS” and
3 inserting “CHILD NUTRITION PROGRAMS”;

4 (ii) by striking “the school lunch pro-
5 gram” and inserting “any program”; and

6 (iii) by striking “the school breakfast
7 program under section 4 of the” and in-
8 serting “any program under”; and

9 (B) in subsection (b)(1)—

10 (i) by striking “Nothing in this Act
11 shall prohibit or require a State to provide
12 to an individual who is not a citizen or a
13 qualified alien, as defined in section
14 431(b),” and inserting “A State shall not
15 deny”; and

16 (ii) by striking “paragraph (2)” and
17 inserting “paragraph (2) on the basis of an
18 individual’s citizenship or immigration sta-
19 tus”.

20 (6) EXCLUSION OF MEDICAL ASSISTANCE EX-
21 PENDITURES FOR CITIZENS OF FREELY ASSOCIATED
22 STATES.—Section 1108(h) of the Social Security Act
23 (42 U.S.C. 1308(h)) is amended—

24 (A) by striking “Expenditures” and insert-
25 ing:

1 “(1) Expenditures”; and

2 (B) by adding at the end the following new
3 paragraph:

4 “(2) With respect to eligibility for benefits for
5 the designated Federal program defined in para-
6 graph (3)(C) (relating to the Medicaid program),
7 paragraph (1) shall not apply to any individual who
8 lawfully resides, in accordance with the Compacts of
9 Free Association between the Government of the
10 United States and the Governments of the Fed-
11 erated States of Micronesia, the Republic of the
12 Marshall Islands, and the Republic of Palau, in any
13 of the several States or the District of Columbia and
14 shall not apply, at the option of the Governor of
15 Puerto Rico, the Virgin Islands, Guam, the North-
16 ern Mariana Islands, or American Samoa as commu-
17 nicated to the Secretary of Health and Human Serv-
18 ices in writing, to any individual who lawfully resides
19 in the respective territory in accordance with such
20 Compacts.”.

21 (7) CHILD HEALTH INSURANCE PROGRAM.—
22 Section 2107(e)(1) of the Social Security Act (42
23 U.S.C. 1397gg(e)(1)) is amended—

24 (A) by striking subparagraph (O); and

1 (B) by redesignating subparagraphs (P),
2 (Q), (R), (S), (T), and (U) as subparagraphs
3 (O), (P), (Q), (R), (S), and (T).

4 (8) CONFORMING AMENDMENTS.—

5 (A) SUPPLEMENTAL FOOD ASSISTANCE
6 PROGRAM.—The Food and Nutrition Act of
7 2008 (7 U.S.C. 2011 et seq.) is amended—

8 (i) in section 5—

9 (I) by striking subsection (i); and

10 (II) by redesignating subsections

11 (j) through (n) as subsections (i)

12 through (m), respectively;

13 (ii) in section 6—

14 (I) in subsection (f), by striking

15 “an alien lawfully admitted for perma-

16 nent” and all that follows through the

17 end of the subsection and inserting “a

18 noncitizen lawfully present in the

19 United States.”; and

20 (II) in subsection (s)(2), by strik-

21 ing “(m), and (n)” and inserting “and

22 (m)”;

23 (iii) in section 11(e)(2)(B)(v)(II) by

24 striking “aliens” each place it appears and

25 inserting “noncitizens”.

1 (B) MEDICAID.—Section 1903(v) of the
2 Social Security Act (42 U.S.C. 1396b(v)) is
3 amended—

4 (i) in paragraph (1), by striking “ad-
5 mitted for” and all that follows through
6 the end of the paragraph and inserting
7 “present in the United States.”; and

8 (ii) striking paragraph (4).

9 (C) HOUSING ASSISTANCE.—Section
10 214(a) of the Housing and Community Devel-
11 opment Act of 1980 (42 U.S.C. 1436a(a)) is
12 amended by—

13 (i) redesignating paragraphs (6) and
14 (7) as paragraphs (7) and (8), respectively;
15 and

16 (ii) inserting after paragraph (5):

17 “(6) a qualified noncitizen as defined in section
18 431 of the Personal Responsibility and Work Oppor-
19 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

20 (D) GENERAL RULE ON NONCITIZENS’ ELI-
21 GIBILITY.—Section 401 of Personal Responsi-
22 bility and Work Opportunity Reconciliation Act
23 of 1996 (8 U.S.C. 1611) is amended—

24 (i) in section 401, in the header—

1 (I) by striking “**QUALIFIED**
2 **ALIENS**” and inserting “**QUALIFIED**
3 **NONCITIZENS**”; and

4 (II) by striking “**ALIENS**” and
5 inserting “**NONCITIZENS**”;

6 (ii) by striking “qualified alien” wher-
7 ever it occurs and inserting “qualified non-
8 citizen”; and

9 (iii) by striking “alien” wherever it oc-
10 curs and inserting “noncitizen”.

11 (E) ASSISTANCE NOT TREATED AS DEBT
12 ABSENT FRAUD.—Section 213A(b)(1)(A) of the
13 Immigration and Nationality Act is amended by
14 striking “benefit,” and inserting “benefit by
15 fraud,”.

16 (9) PRESERVING ACCESS TO HEALTH CARE.—
17 Section 36B(c)(1)(B) of the Internal Revenue Code
18 of 1986 is amended to read as follows:

19 “(B) SPECIAL RULE FOR CERTAIN INDI-
20 VIDUALS LAWFULLY PRESENT IN THE UNITED
21 STATES.—If—

22 “(i) a taxpayer has a household in-
23 come which is not greater than 100 per-
24 cent of an amount equal to the poverty line
25 for a family of the size involved,

1 “(ii) the taxpayer is a non-citizen law-
2 fully present in the United States,

3 “(iii) the taxpayer is ineligible for
4 minimum essential coverage under section
5 5000A(f)(1)(A)(ii), and

6 “(iv) under the Medicaid eligibility
7 criteria for non-citizens in effect on De-
8 cember 26, 2020, the taxpayer would be
9 ineligible for such minimum essential cov-
10 erage by reason of the taxpayer’s immigra-
11 tion status,

12 the taxpayer shall, for purposes of the credit
13 under this section, be treated as an applicable
14 taxpayer with a household income which is
15 equal to 100 percent of the poverty line for a
16 family of the size involved.”.

17 (10) FEDERAL AGENCY GUIDANCE.—Not later
18 than 180 days after the date of the enactment of
19 this Act, each Federal agency, as applicable, shall
20 issue guidance with respect to implementing the
21 amendments made by this section.

22 (11) EFFECTIVE DATE.—The amendments
23 made by this subsection shall take effect on the date
24 of enactment of this Act and shall apply to services
25 furnished on or after the date that is 180 days after

1 the date on which any guidance is issued pursuant
2 to paragraph (10).

3 (d) RELIEF FROM CERTAIN RESTRICTIONS ON AD-
4 JUSTMENT OF STATUS.—

5 (1) RELIEF FROM CERTAIN RESTRICTIONS FOR
6 DOMESTIC VIOLENCE SURVIVORS.—Section 245(d) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1255(d)) is amended by inserting before the period
9 at the end the following: “, unless the alien is the
10 spouse of an alien lawfully admitted for legal perma-
11 nent residence or of a citizen of the United States
12 and is a VAWA self-petitioner”.

13 (2) CONFORMING APPLICATION IN CANCELLA-
14 TION OF REMOVAL.—Section 240A(b)(2)(A)(i) of the
15 Immigration and Nationality Act (8 U.S.C.
16 1229b(b)(2)(A)(i)) is amended—

17 (A) in subclause (II), by striking “or” at
18 the end;

19 (B) in subclause (III), by adding “or” at
20 the end; and

21 (C) by adding at the end the following:

22 “(IV) the alien entered the
23 United States as an alien described in
24 section 101(a)(15)(K) with the intent
25 to enter into a valid marriage and the

1 alien (or the child of the alien who is
2 described in such section) was bat-
3 tered or subject to extreme cruelty by
4 the United States citizen who filed the
5 petition to accord status under such
6 section;”.

7 (3) APPLICATION UNDER SUSPENSION OF DE-
8 PORTATION FOR DOMESTIC VIOLENCE SURVIVORS.—
9 The Secretary of Homeland Security or the Attorney
10 General may suspend the deportation of an alien
11 who is in deportation proceedings initiated prior to
12 March 1, 1997, and adjust to the status of an alien
13 lawfully admitted for permanent residence, if the
14 alien—

15 (A) has been physically present in the
16 United States for a continuous period of not
17 less than 3 years immediately preceding the
18 date of such suspension;

19 (B) has been battered or subjected to ex-
20 treme cruelty in the United States by a spouse
21 or immediate family member who is a United
22 States citizen or a lawful permanent resident,
23 or the alien entered the United States as an
24 alien described in section 101(a)(15)(K) of the
25 Immigration and Nationality Act (8 U.S.C.

1 1101(a)(15)(K)) with the intent to enter into a
2 valid marriage and the alien was battered or
3 subject to extreme cruelty by the United States
4 citizen who filed the petition to accord status
5 under such section, or the child of the alien who
6 is described in this subparagraph;

7 (C) demonstrates that during all of such
8 time in the United States the alien was and is
9 a person of good moral character; and

10 (D) is a person whose deportation would,
11 in the opinion of the Secretary or Attorney
12 General, result in extreme hardship to the alien
13 or the alien's parent or child.

14 (4) EFFECTIVE DATE.—This subsection and the
15 amendments made by this subsection shall take ef-
16 fect on the date of the enactment of this Act and
17 shall apply to aliens who entered the United States
18 before, on, or after such date.

19 (e) WORK AUTHORIZATION FOR SURVIVORS.—

20 (1) T VISAS.—Section 214(o) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1184(o)) is
22 amended by adding at the end the following:

23 “(8) Notwithstanding any provision of this Act
24 granting eligibility for employment in the United
25 States, the Secretary of Homeland Security shall

1 grant employment authorization to an alien who has
2 filed an application for nonimmigrant status under
3 section 101(a)(15)(T) on the date that is the earlier
4 of—

5 “(A) the date on which the alien’s applica-
6 tion for such status is approved; or

7 “(B) a date that is not later than 180 days
8 after the date on which the alien filed the appli-
9 cation.”.

10 (2) VAWA SELF-PETITIONERS.—Section
11 204(a)(1)(K) of the Immigration and Nationality
12 Act (8 U.S.C. 1154(a)(1)(K)) is amended to read as
13 follows:

14 “(K)(i) Upon the approval of a petition as
15 a VAWA self-petitioner, the alien is eligible for
16 work authorization.

17 “(ii) Notwithstanding any provision of this
18 Act restricting eligibility for employment in the
19 United States, the Secretary of Homeland Se-
20 curity shall grant employment authorization to
21 such an alien on the date that is the earlier
22 of—

23 “(I) the date on which the alien’s ap-
24 plication for lawful permanent resident sta-
25 tus is approved; or

1 “(II) a date determined by the Sec-
2 retary that is not later than 180 days after
3 the date that is the earlier of the date on
4 which the alien filed the application or the
5 alien’s petition as a VAWA self-petitioner
6 is approved.”.

7 (3) SPECIAL IMMIGRANT JUVENILES.—Section
8 204(a)(1) of the Immigration and Nationality Act (8
9 U.S.C. 1154(a)(1)) is amended by adding at the end
10 the following:

11 “(M) WORK AUTHORIZATION FOR CERTAIN
12 SPECIAL IMMIGRANTS.—Notwithstanding any
13 provision of this Act granting eligibility for em-
14 ployment in the United States, the Secretary of
15 Homeland Security shall grant employment au-
16 thorization to an alien who is otherwise eligible
17 to be employed, and who has a petition for spe-
18 cial immigrant status under section
19 101(a)(27)(J) that is pending or approved on
20 the date that is the earlier of—

21 “(i) the date on which the alien’s peti-
22 tion for such status is approved; or

23 “(ii) a date that is not later than 180
24 days after the date on which the alien filed
25 the petition.”.

1 **SEC. 9. RELIEF FOR DOMESTIC VIOLENCE SURVIVOR VISA**
2 **WAIVER ENTRANTS.**

3 (a) **IN GENERAL.**—Section 217(b)(2) of the Immi-
4 gration and Nationality Act (8 U.S.C. 1187(b)(2)) is
5 amended by inserting “, an application or petition de-
6 scribed in section 101(a)(51), an application for relief
7 under section 101(a)(15)(T), section 101(a)(15)(U), sec-
8 tion 240A(b)(2), section 101(a)(27)(J), section 245(h), or
9 under any prior provision of law providing comparable re-
10 lief,” after “asylum,”.

11 (b) **EFFECTIVE DATE.**—The amendment made by
12 subsection (a) shall take effect on the date of the enact-
13 ment of this Act and shall apply to waivers provided under
14 section 217(b)(2) of the Immigration and Nationality Act
15 before, on, or after such date as if it had been included
16 in such waivers.

17 (c) **APPLICABILITY OF SECTION 212(e) TO SPOUSES**
18 **AND CHILDREN OF J–1 EXCHANGE VISITORS.**—A spouse
19 or child of an exchange visitor described in section
20 101(a)(15)(J) of the Immigration and Nationality Act (8
21 U.S.C. 1101(a)(15)(J)), applicants approved for non-
22 immigrant status under section 101(a)(15)(T) of such
23 Act, section 101(a)(15)(U) of such Act, VAWA self-peti-
24 tioners, as defined in section 101(a)(51) of such Act, and
25 special immigrant juveniles under section 101(a)(27)(J) of

1 such Act shall not be subject to the requirements of sec-
2 tion 212(e) of such Act (8 U.S.C. 1182(e)).

3 **SEC. 10. STRENGTHEN WAIVERS FOR HUMANITARIAN**
4 **NEED, FAMILY UNITY, OR PUBLIC INTEREST.**

5 (a) **EXCEPTION FOR VAWA SELF-PETITIONERS.**—
6 Section 212(a)(9)(B)(iii)(IV) of the Immigration and Na-
7 tionality Act (8 U.S.C. 1182(a)(9)(B)(iii)(IV)) is amended
8 by striking “would be described in paragraph (6)(A)(ii)
9 if ‘violation of the terms of the alien’s nonimmigrant visa’
10 were substituted for ‘unlawful entry into the United
11 States’ in subclause (III) of that paragraph.” and insert-
12 ing “is a VAWA self petitioner.”.

13 (b) **WAIVERS FOR ABUSED ALIENS.**—

14 (1) **IN GENERAL.**—Section 212(a)(9)(C)(iii) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1182(a)(9)(C)(iii)) is amended—

17 (A) by inserting “or the Attorney General”
18 after “Secretary of Homeland Security”; and

19 (B) by striking “in the case of” and all
20 that follows through “United States.” and in-
21 serting “for humanitarian purposes, to assure
22 family unity, when it is otherwise in the public
23 interest, or in the case of an alien who is apply-
24 ing for or has a claim of relief as a VAWA self-
25 petitioner (as defined in section 101(a)(51)).”.

1 (a)(6)(E) in the case of an alien who is a VAWA self peti-
2 tioner.”.

3 (f) EWI EXEMPTION FOR VAWA, U VISAS, T VISAS,
4 SIJS.—Section 212(a)(6)(A)(ii) of the Immigration and
5 Nationality Act (8 U.S.C. 1182(a)(6)(A)(ii)) is amended
6 to read as follows:

7 “(ii) EXCEPTION FOR CERTAIN BAT-
8 TERED WOMEN AND CHILDREN AND VIC-
9 TIMS.—Clause (i) shall not apply to an
10 alien who demonstrates that the alien—

11 “(I) is a VAWA self-petitioner
12 (as defined in section 101(a)(51) of
13 the Immigration and Nationality Act
14 (8 U.S.C. 1101(a)(51))); or

15 “(II) qualifies for relief under
16 subparagraph (T) or (U) of section
17 101(a)(15)(T), section 240A(b)(2),
18 section 244(a)(3) (as in effect on
19 March 31, 1997), or section
20 101(a)(27)(J).”.

21 **SEC. 11. PROHIBITION ON REMOVAL OF SURVIVORS OF VI-**
22 **OLENCE.**

23 Section 240 of the Immigration and Nationality Act
24 (8 U.S.C. 1229a) is amended by adding at the end the
25 following:

1 “(f) PROHIBITION ON REMOVAL OF SURVIVORS OF
2 ABUSE OR VIOLENCE.—

3 “(1) IN GENERAL.—An individual described in
4 paragraph (2) shall not be removed from the United
5 States under this section or any other provision of
6 law until the date on which there is a final denial
7 of the individual’s application for status, after the
8 exhaustion of administrative or judicial review.

9 “(2) INDIVIDUAL DESCRIBED.—An individual
10 described in this paragraph is an individual who—

11 “(A) has a pending petition for special im-
12 migrant juvenile status under subparagraph (J)
13 of section 101(a)(27);

14 “(B) has an approved petition for special
15 immigrant juvenile status under subparagraph
16 (J) of section 101(a)(27) and has not yet ad-
17 justed status to that of a lawful permanent resi-
18 dent;

19 “(C) is a VAWA self-petitioner (as defined
20 in section 101(a)(51) of the Immigration and
21 Nationality Act (8 U.S.C. 1101(a)(51))); or

22 “(D) qualifies for relief under subpara-
23 graph (T) or (U) of section 101(a)(15)(T), sec-
24 tion 240A(b)(2), or section 244(a)(3) (as in ef-
25 fect on March 31, 1997).”.

1 **SEC. 12. EXCEPTION TO REINSTATEMENT.**

2 Section 241 of the Immigration and Nationality Act
3 (8 U.S.C. 1231) is amended by adding at the end the fol-
4 lowing:

5 “(h) Any alien with a pending application under
6 clause (i) or (ii) of section 101(a)(15)(T), clause (i) or
7 (ii) of section 101(a)(15)(U), section 101(a)(51), section
8 240A(b)(2), or section 244(a)(3) (as in effect on March
9 31, 1997), or a pending or approved petition under
10 (101)(a)(27)(J), shall not be ordered removed under this
11 section.”.

12 **SEC. 13. PROTECTIONS FOR STEPCHILDREN.**

13 (a) UNITED STATES CITIZEN PARENT.—Section
14 204(a)(1)(A)(iv) of the Immigration and Nationality Act
15 (8 U.S.C. 1154(a)(1)(A)(iv)) is amended by adding at the
16 end the following: “For purposes of this clause—

17 “(I) residence includes any period of visitation;
18 and

19 “(II)(aa) the term ‘citizen parent’ includes ‘cit-
20 izen step-parent’; and

21 “(bb) none of the following shall affect the abil-
22 ity of a step-child who was battered or subjected to
23 extreme cruelty to file a self-petition or have the
24 self-petition favorably adjudicated and shall not lead
25 to revocation of an approved VAWA self-petition—

1 “(AA) death of the step-child self-peti-
2 tioner’s natural parent;

3 “(BB) death of the step-child self-peti-
4 tioner’s step-parent; or

5 “(CC) divorce between the step-child
6 VAWA self-petitioner’s parent and step-par-
7 ent.”;

8 (b) **LAWFUL PERMANENT RESIDENT PARENT.**—Sec-
9 tion 204(a)(1)(B)(iii) of the Immigration and Nationality
10 Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended by adding
11 at the end the following: “For purposes of this clause:

12 “(I) residence includes any period of visitation;
13 and

14 “(II)(aa) the term ‘permanent resident parent’
15 includes ‘permanent resident step-parent’; and

16 “(bb) none of the following shall affect the abil-
17 ity of a step-child who was battered or subjected to
18 extreme cruelty to file a self-petition or have the
19 self-petition favorably adjudicated and shall not lead
20 to revocation of an approved VAWA self-petition—

21 “(AA) death of the step-child self-peti-
22 tioner’s natural parent;

23 “(BB) death of the step-child self-peti-
24 tioner’s step-parent; or

1 “(CC) divorce between the step-child
2 VAWA self-petitioner’s parent and step-par-
3 ent.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on the date of the enactment
6 of this Act and shall apply to VAWA self-petitions filed
7 before, on, or after the date of the enactment of this Act.

8 **SEC. 14. WAIVER OF MONETARY PENALTY.**

9 Section 274D of the Immigration and Nationality Act
10 (8 U.S.C. 1324d) is amended by adding at the end the
11 following:

12 “(a) EXCEPTION.—Subsection (a) shall not apply to
13 an alien who is a VAWA self-petitioner, as defined in sec-
14 tion 101(a)(51), or who has filed an application for non-
15 immigrant status under subparagraph (T) or (U) of sec-
16 tion 101(a)(15) or a petition for Special Immigrant Juve-
17 nile status under section 101(a)(27)(J).”.

18 **SEC. 15. TECHNICAL CORRECTION.**

19 Section 240(c)(7)(C)(iv) of the Immigration and Na-
20 tionality Act is amended—

21 (1) by amending the heading to read as follows:

22 “(iv) SPECIAL RULE FOR BATTERED
23 SPOUSES, CHILDREN, AND PARENTS.—”;

24 (2) in subclause (I), by striking “or section
25 240A(b)(2)” and inserting “, section 240A(b), or

1 section 244(a)(3) (as in effect on March 31, 1997”);
2 and

3 (3) in the matter following subclause (IV), by
4 striking “(as defined in section 431(c)(1)(B) of the
5 Personal Responsibility and Work Opportunity Rec-
6 onciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B))”
7 and inserting “(as defined in section 431(c)(1)(B) of
8 the Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996 (8 U.S.C.
10 1641(c)(1)(B)))”.

11 **SEC. 16. PERMIT IMMIGRATION JUDGES TO GRANT INAD-**
12 **MISSIBILITY WAIVERS.**

13 Section 212(d)(14) of the Immigration and Nation-
14 ality Act (8 U.S.C. 1182(d)(14)) is amended to read as
15 follows:

16 “(14) The Secretary of Homeland Security
17 shall determine whether a ground of inadmissibility
18 exists with respect to a nonimmigrant described in
19 section 101(a)(15)(U). The Secretary of Homeland
20 Security or an immigration judge may waive the ap-
21 plication of subsection (a) (other than paragraph
22 (3)(E)) in the case of a nonimmigrant described in
23 section 101(a)(15)(U)), if the Secretary of Home-
24 land Security or immigration judge considers it to be
25 in the public or national interest to do so.”.

1 **SEC. 17. ELIMINATION OF VISA CAPS FOR ABUSED, ABAN-**
 2 **DONED, OR NEGLECTED CHILDREN.**

3 (a) **WORLDWIDE LEVEL.**—Section 201 of the Immi-
 4 gration and Nationality Act (8 U.S.C. 1151) is amended
 5 in subparagraph (b)(1)(A) by striking “subparagraph (A)
 6 or (B)” and inserting “subparagraphs (A), (B), or (J)”.

7 (b) **PER-COUNTRY LIMITATION.**—Section 202(a)(2)
 8 of the Immigration and Nationality Act (8 U.S.C. 1152)
 9 is amended by inserting after “Subject to paragraphs (3),
 10 (4), and (5),” the following: “and except for special immi-
 11 grants described in section 101(a)(27)(J),”.

12 (c) **ALLOCATION.**—Section 203 of the Immigration
 13 and Nationality Act (8 U.S.C. 1153) is amended in sub-
 14 paragraph (b)(4) by striking “subparagraph (A) or (B)”
 15 and inserting “subparagraphs (A), (B), or (J)”.

16 **SEC. 18. ELIMINATION OF GENERAL CONSENT STANDARD**
 17 **FOR ABUSED, ABANDONED, OR NEGLECTED**
 18 **CHILDREN.**

19 Section 101(a)(27)(J) of the Immigration and Na-
 20 tionality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

21 (1) in clause (i), by inserting at the end “and”;

22 (2) in clause (ii), by striking “; and” and in-
 23 serting the following: “, except that—

24 “(I) no juvenile court has juris-
 25 diction to determine the custody sta-
 26 tus or placement of an alien in the

1 custody of the Secretary of Health
2 and Human Services unless the Sec-
3 retary of Health and Human Services
4 specifically consents to such jurisdic-
5 tion; and

6 “(II) no natural parent or prior
7 adoptive parent of any alien provided
8 special immigrant status under this
9 subparagraph shall thereafter, by vir-
10 tue of such parentage, be accorded
11 any right, privilege, or status under
12 this Act; and”;

13 (3) by striking clause (iii).

14 **SEC. 19. DEADLINE FOR MOTIONS TO REOPEN ORDERS OF**
15 **REMOVAL.**

16 Section 240(c)(7)(C) of the Immigration and Nation-
17 ality Act (8 U.S.C. 1229a(c)(7)(C)) is amended by adding
18 at the end the following:

19 “(v) SPECIAL IMMIGRANT JUVENILE
20 STATUS PETITIONERS OR BENE-
21 FICIARIES.—There is no time limit on the
22 filing of a motion to reopen by an indi-
23 vidual who has a pending or approved peti-
24 tion for special immigrant juvenile status
25 under section 101(a)(27)(J) if the basis of

1 the motion is to apply for adjustment of
2 status. An individual who has a pending or
3 approved petition for special immigrant ju-
4 venile status under such section may file
5 one motion under this clause notwith-
6 standing any numerical limitation that
7 might otherwise apply. The filing of a mo-
8 tion to reopen under this clause shall stay
9 the removal of an individual with a pend-
10 ing or approved petition for special immi-
11 grant juvenile status pending the final dis-
12 position of the motion, including exhaus-
13 tion of all appeals. An immigration judge
14 or the Board of Immigration Appeals may
15 hold such a motion in abeyance, or grant
16 such a motion, as appropriate, so that the
17 individual may wait for an available visa.”.

18 **SEC. 20. NATURALIZATION.**

19 (a) IN GENERAL.—Section 319(a) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1430(a)) is amended
21 to read as follows:

22 “(a)(1) A person described in this paragraph is—

23 “(A) a spouse of citizen of the United States;

24 or

1 “(B) any lawful permanent resident and who
2 was battered or subjected to extreme cruelty by a
3 United States citizen who is or was a spouse, parent,
4 son or daughter.

5 “(2) A person described in paragraph (1) may be nat-
6 uralized—

7 “(A) upon compliance with all the requirements
8 of this title except the provisions of paragraph (1)
9 of section 316(a);

10 “(B) if such person, immediately preceding the
11 date of filing that person’s application for natu-
12 ralization has resided continuously, after being law-
13 fully admitted for permanent residence, within the
14 United States for at least three years;

15 “(C)(i) during the three years immediately pre-
16 ceding the date of filing such application has been
17 living in marital union with their citizen spouse who
18 has been a United States citizen during all of such
19 period; or

20 “(ii) in the case of a person who has been bat-
21 tered or subjected to extreme cruelty by a United
22 States citizen spouse, parent, son or daughter, the
23 requirement of subparagraph (C)(i) shall not apply
24 regardless of whether the person’s lawful permanent

1 resident status was obtained on the basis of such
2 battery or cruelty;

3 “(D) has been physically present in the United
4 States for periods totaling at least half of the time
5 referred to in subparagraph (C);

6 “(E) has resided within the State or district of
7 the Service in the United States in which the appli-
8 cant filed such application for at least 3 months;
9 and

10 “(F) the provisions of section 204(a)(1)(J) and
11 section 384 of the Illegal Immigration Reform and
12 Immigration Responsibility Act of 1996 shall apply
13 in acting on an application under this subsection in
14 the same manner as they apply in acting on peti-
15 tions referred to in section 101(a)(51).”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect on the date of the enactment
18 of this Act and shall apply to applications for naturaliza-
19 tion filed before, on, or after the date of the enactment
20 of this Act.

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