

117TH CONGRESS
2D SESSION

H. R. 9474

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

DECEMBER 8, 2022

Ms. JAYAPAL (for herself, Ms. SCHAKOWSKY, Mr. ESPAILLAT, Mr. PANETTA, Ms. BARRAGÁN, Mr. BLUMENAUER, Ms. CHU, Mr. GARCÍA of Illinois, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEVIN of Michigan, Mrs. CAROLYN B. MALONEY of New York, Mr. MCGOVERN, Ms. MENG, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, 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 Labor, 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 2022” or as the
4 “WISE Act of 2022”.

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 by in-
10 serting after “criminal activity described in clause (iii)”
11 the following: “or civil violations as defined in clause (iv)”.

12 (d) CIVIL VIOLATIONS DESCRIBED.—Section
13 101(a)(15)(U)) of the Immigration and Nationality Act
14 (8 U.S.C. 1101(a)(15)(U)) is amended—

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

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

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

20 “(iv) the term ‘civil violations’ refers
21 to violations related to the activities de-
22 scribed in clause (iii) that may give rise to
23 a civil or administrative investigation, pro-
24 ceeding or adjudication; or”.

1 (e) ADDING QUALIFYING CRIMES AND CIVIL VIOLA-
2 TIONS.—Section 101(a)(15)(U) of the Immigration and
3 Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

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

6 (2) by moving clause (iii) 2 ems to the left; and

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

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

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

17 (g) ELIMINATING U VISA NUMERICAL LIMITA-
18 TION.—Section 214(p) of the Immigration and Nationality
19 Act (8 U.S.C. 1184(p)) is amended by striking paragraph
20 (2).

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

24 (1) in paragraph (6), by striking the last sen-
25 tence; and

1 (2) by adding at the end the following:

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

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

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

12 Eligibility for work authorization in the United
13 States under another provision of this Act does not
14 preclude the issuance of work authorization under
15 this paragraph.”.

16 (i) PAROLE FOR U VISA WAITLIST.—Petitioners for
17 a visa under section 101(a)(15)(U) and qualifying family
18 members abroad may seek parole while the petitions are
19 pending.

20 (j) ELIMINATE CIVIL PENALTIES FOR FAILURE TO
21 DEPART.—Section 240B(d)(2) of the Immigration and
22 Nationality Act (8 USC 1229c) is amended to read as fol-
23 lows:

24 “(2) APPLICATION OF VAWA AND TVPA PROTEC-
25 TIONS.—The restrictions on relief under paragraph

1 (1) shall not apply to relief under section 1229b or
2 1255 of this title on the basis of a petition filed by
3 a U visa petitioner, or a petition filed under section
4 101(a)(15)(U), a petition filed under section
5 101(a)(27)(J) or adjustment of status application
6 filed under section 245(h), a petition filed under sec-
7 tion 101(a)(15)(T), a VAWA self-petitioner, or a pe-
8 tition filed under section 240A(b)(2), or under sec-
9 tion 244(a)(3) (as in effect prior to March 31,
10 1997).”.

11 (k) AGING OUT DETERMINATIONS.—

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

15 (A) by striking “unmarried”; and

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

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

20 (3) Section 245(m)(3) of the Immigration and
21 Nationality Act (8 U.S.C. 1255(m)(3)) is amended
22 by adding the following under “hardship”.

23 “(A) CHILDREN.—An alien who seeks to
24 adjust status or obtain an immigrant visa based
25 upon a parent’s application for adjustment of

1 status, and who was under 21 years of age on
2 the date on which such parent applied for ad-
3 justment of status, shall continue to be classi-
4 fied as a child for purposes of section
5 245(m)(3), if the alien attains 21 years of age
6 after such parent's petition was filed.

7 “(B) PRINCIPAL ALIENS.—A parent de-
8 scribed in paragraph (3) of section 235(m) shall
9 continue to be treated as a parent if the alien
10 child attains 21 years of age after his or her
11 application for status under paragraph (1) of
12 such section is filed.”.

13 (l) 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 (8 U.S.C. 1101(a)(15)(U)).

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

21 (a) NONIMMIGRANT STATUS FOR CERTAIN BAT-
22 TERED SPOUSES AND CHILDREN.—Section 101(a)(51) of
23 the Immigration and Nationality Act (8 U.S.C.
24 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 grant admission to, or extend the pe-
25 riod of admission for, an abused derivative alien and

1 any child of that alien under the subparagraph of
2 section 101(a)(15) pursuant to which the principal
3 alien was admitted for the period that is the longer
4 of—

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

7 “(B) 3 years;

8 “(2) may renew a grant or an extension of sta-
9 tus made under paragraph (1);

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

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

17 “(A)(i) the abused derivative alien is ad-
18 missible under section 212(a); or

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

23 “(I) on humanitarian grounds;

24 “(II) to ensure family unity; or

1 “(III) is otherwise in the public inter-
2 est; and

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

7 “(c) PROVISIONS FOR CHILDREN.—

8 “(1) An alien whose parent was granted status
9 under this section, and who was under 21 years of
10 age on the date on which such parent petitioned for
11 such status, shall continue to be classified as a child
12 if the alien attains 21 years of age after such par-
13 ent’s petition was filed.

14 “(2) For purposes of this section, an individual
15 who qualified to file a petition under this section as
16 of the day before the date on which the individual
17 attained 21 years of age, and who did not file such
18 a petition before such day, shall be treated as having
19 filed a petition under this section as of such day if
20 a petition is filed before the individual attains 25
21 years of age and the individual shows that the abuse
22 was at least one central reason for the filing delay.

23 “(d) RELATIONSHIP CONSIDERATIONS.—

1 “(1) The death of the principal alien shall not
2 affect the status of an abused derivative alien under
3 this section.

4 “(2) The principal alien’s loss of status or ter-
5 mination of the relationship with principal alien shall
6 not affect the status of an abused derivative alien
7 under this section if battery or extreme cruelty by
8 the principal alien was one central reason for termi-
9 nation of the relationship or loss of status.

10 “(3) An alien who is the spouse of a principal
11 alien who believed that he or she had married the
12 principal alien and with whom a marriage ceremony
13 was actually performed and who otherwise meets any
14 applicable requirements under this Act to establish
15 the existence of and bona fides of a marriage, but
16 whose marriage is not legitimate solely because of
17 the bigamy of the principal alien.

18 “(e) EFFECT OF TERMINATION OF RELATIONSHIP.—
19 Termination of the relationship with principal alien shall
20 not affect the status of an abused derivative alien under
21 this section if battery or extreme cruelty by the principal
22 alien was one central reason for termination of the rela-
23 tionship.

1 “(f) 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 “(g) DERIVATIVES.—

11 “(1) DERIVATIVE STATUS.—Upon approval of
12 adjustment of status of an alien described in this
13 section, the Secretary of Homeland Security may ad-
14 just the status to that of an alien lawfully admitted
15 for permanent residence or issue an immigrant visa
16 to a spouse, a child, or, in the case that the primary
17 alien is an alien child, a parent who did not receive
18 status pursuant to this section if the Secretary con-
19 sidered the grant of such status or visa necessary to
20 avoid extreme hardship to the alien who received
21 status pursuant to this section or any derivative ben-
22 efiary of such alien.

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

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

3 (2) CLERICAL AMENDMENT.—The table of con-
4 tents preceding section 101 of the Immigration and
5 Nationality Act (8 U.S.C. 1101) is amended by
6 striking the item relating to section 106 and insert-
7 ing the following:

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

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 PPLICATIONS.—

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) should be
20 released from detention without conditions. The Sec-
21 retary of Homeland Security may rebut the pre-
22 sumption if the Secretary established by clear and
23 convincing evidence, including credible and individ-
24 ualized information, that the use of alternatives to
25 detention will not reasonably ensure the appearance

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

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

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

12 “(B) is a VAWA self-petitioner, as defined
13 in section 101(a)(51), with a pending applica-
14 tion for relief under a provision referred to in
15 one of subparagraphs (A) through (G) of such
16 section; 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:

1 (1) in subsection (a)(1), by striking “solely”
2 after “furnished”;

3 (2) in subsection (a)(2), by inserting “files, or
4 records,” after “information,” and strike “s” from
5 “relates”;

6 (3) in subsection (a), by adding at the end the
7 following:

8 “(3) Except as provided in this paragraph, nei-
9 ther the Department, nor any other official or em-
10 ployee of the Department, or bureau or agency
11 thereof, nor the Department of Justice, nor any offi-
12 cial or employee of the Department of Justice, or
13 bureau or agency thereof, may—

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
25 can be identified; or

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

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

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

9 “(4) Paragraphs (2) and (3) of subsection (a)
10 shall not apply if all the individuals in the case are
11 adults and they have all waived the restrictions of
12 such subsection.”;

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

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

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

24 “(e) REMEDIAL MEASURES.—The Attorney General,
25 Secretary of State, and the Secretary of Homeland Secu-

1 rity shall make rules not later than 120 days after the
2 date of enactment of this subsection to establish a process
3 for the benefit of individuals harmed by violations of this
4 section to determine whether there has been a violation
5 of that section, and to remedy any such violation. Such
6 process shall include an appeal process for any determina-
7 tion that a violation did not occur.

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

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

17 **SEC. 7. POWERS OF IMMIGRATION OFFICERS AND EMPLOY-**
18 **EES AT PROTECTED AREAS.**

19 Section 287 of the Immigration and Nationality Act
20 (8 U.S.C. 1357) is amended by adding at the end the fol-
21 lowing:

22 “(i)(1) In this subsection:

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

1 “(i) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(ii) the Committee on the Judiciary of the
4 Senate;

5 “(iii) the Committee on Homeland Security
6 of the House of Representatives; and

7 “(iv) the Committee on the Judiciary of
8 the House of Representatives.

9 “(B) The term ‘enforcement action’—

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

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

18 “(C) The term ‘exigent circumstances’ means a
19 situation involving—

20 “(i) a threat to the national security of the
21 United States;

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

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

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

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

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

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

12 “(II) the Executive Associate Director
13 of Homeland Security Investigations;

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

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

20 “(ii) in the case of officers and agents of
21 U.S. Customs and Border Protection, prior
22 written approval to carry out an enforcement
23 action involving a specific individual or individ-
24 uals authorized by—

25 “(I) a Chief Patrol Agent;

1 “(II) the Director of Field Operations;

2 “(III) the Director of Air and Marine

3 Operations; or

4 “(IV) the Internal Affairs Special
5 Agent in Charge; and

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

10 “(I) the head of the Federal agency
11 carrying out the enforcement action; or

12 “(II) the head of the State or local
13 law enforcement agency carrying out the
14 enforcement action.

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

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

24 “(ii) any public or private school, including
25 any known and licensed day care facility, pre-

1 school, other early learning program facility,
2 primary school, secondary school, postsecondary
3 school (including colleges and universities), or
4 other institution of learning (including voca-
5 tional or trade schools);

6 “(iii) any scholastic or education-related
7 activity or event, including field trips and inter-
8 scholastic events;

9 “(iv) any school bus or school bus stop
10 during periods when school children are present
11 on the bus or at the stop;

12 “(v) any place where children gather, such
13 as a playground, recreation center, childcare
14 center, before- or after-school care center, foster
15 care facility, or group home for children;

16 “(vi) any organization that—

17 “(I) assists children, pregnant individ-
18 uals, victims of crime or abuse, or individ-
19 uals with significant mental or physical
20 disabilities; or

21 “(II) provides disaster or emergency
22 social services and assistance;

23 “(vii) any church, synagogue, mosque, or
24 other place of worship, including buildings
25 rented for the purpose of religious services, re-

1 treats, counseling, workshops, instruction, and
2 education;

3 “(viii) any Federal, State, or local court-
4 house, including the office of an individual’s
5 legal counsel or representative, and a probation,
6 parole, or supervised release office;

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

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

11 “(xi) any domestic violence shelter, rape
12 crisis center, supervised visitation center, family
13 justice center, or victim services provider;

14 “(xii) any youth or teen homeless shelter;
15 or

16 “(xiii) any other location specified by the
17 Secretary of Homeland Security for purposes of
18 this subsection.

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

21 “(i) the action involves exigent circumstances;
22 and

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

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

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

8 “(i) no information resulting from the enforce-
9 ment action may be entered into the record or re-
10 ceived into evidence in a removal proceeding result-
11 ing from the enforcement action; and

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

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

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

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

21 “(iii) any individual designated to perform im-
22 migration enforcement functions pursuant to sub-
23 section (g).

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

4 “(i) to limit the time spent at the protected
5 area;

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

9 “(iii) to conduct themselves discreetly.

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

15 “(i) cease before taking any further enforce-
16 ment action;

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

18 “(iii) maintain surveillance; and

19 “(iv) immediately consult their supervisor in
20 order to determine whether such enforcement action
21 should be discontinued.

22 “(D) The limitations under this paragraph shall not
23 apply to the transportation of an individual apprehended
24 at or near a land or sea border to a hospital or health

1 care provider for the purpose of providing medical care
2 to such individual.

3 “(4)(A) Each official specified in subparagraph (B)
4 shall ensure that the employees under his or her super-
5 vision receive annual training on compliance with—

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

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

14 “(B) The officials specified in this subparagraph
15 are—

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

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

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

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

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

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

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

5 “(viii) the chief law enforcement officer of each
6 State or local law enforcement agency that enters
7 into a written agreement with the Department of
8 Homeland Security pursuant to subsection (g).

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

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

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

20 “(C) so that subjects of an enforcement action
21 are not permitted to verify that the officers or
22 agents that carried out such action complied with
23 the restrictions set forth in this subsection.

24 “(6)(A) The Director of U.S. Immigration and Cus-
25 toms Enforcement and the Commissioner of U.S. Customs

1 and Border Protection shall each submit an annual report
2 to the appropriate committees of Congress that includes
3 the information set forth in subparagraph (B) with respect
4 to the respective agency.

5 “(B) Each report submitted under subparagraph (A)
6 shall include, with respect to the submitting agency during
7 the reporting period—

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

10 “(ii) the number of enforcement actions in
11 which officers or agents were subsequently led to a
12 protected area; and

13 “(iii) for each enforcement action described in
14 clause (i) or (ii)—

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

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

18 “(III) the components of the agency in-
19 volved in the enforcement action;

20 “(IV) a description of the enforcement ac-
21 tion, including the nature of the criminal activ-
22 ity of its intended target;

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

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

3 “(VII) a certification whether the location
4 administrator was contacted before, during, or
5 after the enforcement action; and

6 “(VIII) the percentage of all of the staff
7 members and supervisors reporting to the offi-
8 cials listed in paragraph (4)(B) who completed
9 the training required under paragraph (4)(A).

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

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

13 “(i) to enforce generally applicable Federal
14 or State criminal laws unrelated to immigra-
15 tion; or

16 “(ii) to protect residents from imminent
17 threats to public safety; or

18 “(B) to limit or override the protections pro-
19 vided in—

20 “(i) section 239; or

21 “(ii) section 384 of the Illegal Immigration
22 Reform and Immigrant Responsibility Act of
23 1996 (8 U.S.C. 1367).”.

1 **SEC. 8. PROTECTIONS AND RELIEF FOR DOMESTIC VIO-**
2 **LENCE SURVIVORS.**

3 (a) **ELIGIBILITY FOR CANCELLATION OF REMOVAL**
4 **FOR DOMESTIC VIOLENCE SURVIVORS.**—Section
5 240A(b)(2)(A)(iv) of the Immigration and Nationality Act
6 (8 U.S.C. 1229b(b)(2)(A)(iv)) is amended to read as fol-
7 lows:

8 “(iv) the alien is not inadmissible
9 under section 212(a)(2)(G), section
10 212(a)(2)(H), or section 212(a)(3) and is
11 not deportable under section
12 237(a)(2)(A)(v) or section 237(a)(4);
13 and”.

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

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

20 “(E) **JUDICIAL REVIEW OF DETERMINA-**
21 **TION FOR DOMESTIC VIOLENCE SURVIVORS.**—A
22 determination of whether an individual is eligi-
23 ble for or entitled to relief under this paragraph
24 or any prior provision of law providing com-
25 parable relief, shall be subject to judicial re-
26 view.”.

1 (2) REVIEW OF ORDERS OF REMOVAL OF DO-
2 MESTIC VIOLENCE SURVIVORS.—Section 242(a)(1)
3 of the Immigration and Nationality Act (8 U.S.C.
4 1252(a)(1)) is amended to read as follows:

5 “(1) GENERAL ORDERS OF REMOVAL.—

6 “(A) IN GENERAL.—Judicial review of a
7 final order of removal (other than an order of
8 removal without a hearing pursuant to section
9 235(b)(1)) is governed only by chapter 158 of
10 title 28 of the United States Code, except as
11 provided in subparagraph (B) or subsection (b),
12 and except that the court may not order the
13 taking of additional evidence under section
14 2347(c) of such title.

15 “(B) DOMESTIC VIOLENCE SURVIVORS AND
16 CRIME VICTIMS.—A final order for the removal
17 of a nonimmigrant described in section
18 101(a)(15)(T) or section 101(a)(15)(U), a
19 VAWA self-petitioner (as defined in section
20 101(a)(51)), an applicant for relief under sec-
21 tion 240A(b)(2), an applicant or petitioner for
22 relief under sections 101(a)(27)(J) or 245(h),
23 or under any prior status providing comparable
24 relief, shall be subject to de novo review by the

1 court at the request of the nonimmigrant,
2 VAWA self-petitioner, or applicant for relief.”.

3 (c) AVAILABILITY OF BASIC ASSISTANCE TO LAW-
4 FULLY PRESENT NONCITIZENS.—

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

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

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

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

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

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

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

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

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

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

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

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

16 (J) in section 402—

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

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

23 (K) in section 403, in the header, by strik-
24 ing “**QUALIFIED ALIENS**” and inserting
25 “**QUALIFIED NONCITIZENS**”;

1 (L) in section 411, in the header, by strik-
 2 ing “**QUALIFIED ALIENS**” and inserting
 3 “**QUALIFIED NONCITIZENS**”; and

4 (M) in section 412, in the header, by strik-
 5 ing “**QUALIFIED ALIENS**” and inserting
 6 “**QUALIFIED NONCITIZENS**”.

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

12 (A) in subsection (b)—

13 (i) in the header, by striking “QUALI-
 14 FIED ALIEN” and inserting “QUALIFIED
 15 NONCITIZEN”;

16 (ii) by striking “qualified alien” and
 17 inserting “qualified noncitizen”;

18 (iii) by striking “alien” and inserting
 19 “noncitizen”;

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

22 (v) by striking “benefit” and all that
 23 follows through the period at the end of
 24 the subsection and inserting “benefit, is
 25 lawfully present in the United States.”;

1 (B) in subsection (c)—

2 (i) in the header, by striking “QUALI-
3 FIED ALIENS” and inserting “QUALIFIED
4 NONCITIZENS”;

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

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

9 (iv) by inserting after paragraph (4):
10 “(5) a noncitizen—

11 “(A) in a category that was treated as law-
12 fully present for purposes of section 1101 of the
13 Patient Protection and Affordable Care Act of
14 2010 (42 U.S.C. 18001);

15 “(B) who met the requirements of section
16 402(a)(2)(D) of the Personal Responsibility and
17 Work Opportunity Reconciliation Act of 1996
18 (8 U.S.C. 1612(a)(2)(D)) on or before January
19 1, 2021;

20 “(C) who is granted special immigrant ju-
21 venile status as described by section
22 101(a)(27)(J) of the Immigration and Nation-
23 ality Act (8 U.S.C. 1101(a)(27)(J));

24 “(D) who has a pending, bona fide applica-
25 tion for nonimmigrant status under section

1 101(a)(15)(U) of the Immigration and Nation-
2 ality Act (8 U.S.C 1101(1)(15)(U));

3 “(E) who was granted relief under the De-
4 ferred Action for Childhood Arrivals program;
5 or

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

11 (C) by adding at the end the following new
12 subsection:

13 “(d) NONCITIZEN.—For the purposes of this title, the
14 term ‘noncitizen’ means any individual who is not a citizen
15 of the United States.”.

16 (5) CHILD NUTRITION PROGRAMS.—Section
17 742 of the Personal Responsibility and Work Oppor-
18 tunity Reconciliation Act of 1996 (8 U.S.C. 1615) is
19 amended—

20 (A) in subsection (a)—

21 (i) in the header by striking “SCHOOL
22 LUNCH AND BREAKFAST PROGRAMS” and
23 inserting “CHILD NUTRITION PROGRAMS”;

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

1 (iii) by striking “the school breakfast
2 program under section 4 of the” and in-
3 sserting “any program under”; and

4 (B) in subsection (b)(1)—

5 (i) by striking “Nothing in this Act
6 shall prohibit or require a State to provide
7 to an individual who is not a citizen or a
8 qualified alien, as defined in section
9 431(b),” and inserting “A State shall not
10 deny”; and

11 (ii) by striking “paragraph (2)” and
12 inserting “paragraph (2) on the basis of an
13 individual’s citizenship or immigration sta-
14 tus”.

15 (6) EXCLUSION OF MEDICAL ASSISTANCE EX-
16 PENDITURES FOR CITIZENS OF FREELY ASSOCIATED
17 STATES.—Section 1108(h) of the Social Security Act
18 (42 U.S.C. 1308(h)) is amended—

19 (A) by striking “Expenditures” and insert-
20 ing:

21 “(1) Expenditures”; and

22 (B) by adding at the end the following new
23 paragraph:

24 “(2) With respect to eligibility for benefits for
25 the designated Federal program defined in para-

1 graph (3)(C) (relating to the Medicaid program),
2 paragraph (1) shall not apply to any individual who
3 lawfully resides in 1 of the 50 States or the District
4 of Columbia in accordance with the Compacts of
5 Free Association between the Government of the
6 United States and the Governments of the Fed-
7 erated States of Micronesia, the Republic of the
8 Marshall Islands, and the Republic of Palau and
9 shall not apply, at the option of the Governor of
10 Puerto Rico, the Virgin Islands, Guam, the North-
11 ern Mariana Islands, or American Samoa as commu-
12 nicated to the Secretary of Health and Human Serv-
13 ices in writing, to any individual who lawfully resides
14 in the respective territory in accordance with such
15 Compacts.”.

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

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

20 (B) by redesignating subparagraphs (P),
21 (Q), (R), (S), (T), and (U) as subparagraphs
22 (O), (P), (Q), (R), (S), and (T).

23 (8) CONFORMING AMENDMENTS.—

1 (A) SUPPLEMENTAL FOOD ASSISTANCE
2 PROGRAM.—The Food and Nutrition Act of
3 2008 (7 U.S.C. 2011 et seq.) is amended—

4 (i) in section 5—

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

6 (II) by redesignating subsections

7 (j) through (n) as subsections (i)
8 through (m), respectively;

9 (ii) in section 6—

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

11 “an alien lawfully admitted for perma-
12 nent” and all that follows through the
13 end of the subsection and inserting “a
14 noncitizen lawfully present in the
15 United States.”; and

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

17 ing “(m), and (n)” and inserting “and
18 (m)”;

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

20 striking “aliens” each place it appears and
21 inserting “noncitizens”.

22 (B) MEDICAID.—Section 1903(v) of the
23 Social Security Act (42 U.S.C. 1396b(v)) is
24 amended—

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

5 (ii) striking paragraph (4).

6 (C) HOUSING ASSISTANCE.—Section
7 214(a) of the Housing and Community Devel-
8 opment Act of 1980 (42 U.S.C. 1436a(a)) is
9 amended by—

10 (i) redesignating paragraphs (6) and
11 (7) as paragraphs (7) and (8), respectively;
12 and

13 (ii) inserting after paragraph (5):

14 “(6) a qualified noncitizen as defined in section
15 431 of the Personal Responsibility and Work Oppor-
16 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

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

21 (i) in section 401, in the header—

22 (I) by striking “**QUALIFIED**
23 **ALIENS**” and inserting “**QUALIFIED**
24 **NONCITIZENS**”; and

1 (II) by striking “**ALIENS**” and
2 inserting “**NONCITIZENS**”;

3 (ii) by striking “qualified alien” wher-
4 ever it occurs and inserting “qualified non-
5 citizen”; and

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

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

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

16 “(B) SPECIAL RULE FOR CERTAIN INDI-
17 VIDUALS LAWFULLY PRESENT IN THE UNITED
18 STATES.—If—

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

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

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

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

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

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

20 (11) EFFECTIVE DATE.—The amendments
21 made by this subsection shall take effect on the date
22 of enactment of this Act and shall apply to services
23 furnished on or after the date that is 180 days after
24 the date on which any guidance is issued pursuant
25 to paragraph (10).

1 (d) RELIEF FROM CERTAIN RESTRICTIONS ON AD-
2 JUSTMENT OF STATUS.—

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

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

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

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

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

20 “(IV) the alien entered the
21 United States as an alien described in
22 section 101(a)(15)(K) with the intent
23 to enter into a valid marriage and the
24 alien (or the child of the alien who is
25 described in such section) was bat-

1 tered or subject to extreme cruelty by
2 the United States citizen who filed the
3 petition to accord status under such
4 section;”.

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

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

17 (B) has been battered or subjected to ex-
18 treme cruelty in the United States by a spouse
19 or immediate family member who is a United
20 States citizen or a lawful permanent resident,
21 or the alien entered the United States as an
22 alien described in section 101(a)(15)(K) of the
23 Immigration and Nationality Act (8 U.S.C.
24 1101(a)(15)(K)) with the intent to enter into a
25 valid marriage and the alien was battered or

1 subject to extreme cruelty by the United States
2 citizen who filed the petition to accord status
3 under such section, or the child of the alien who
4 is described in this subparagraph;

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

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

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

17 (e) WORK AUTHORIZATION FOR SURVIVORS.—

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

21 “(8) Notwithstanding any provision of this Act
22 granting eligibility for employment in the United
23 States, the Secretary of Homeland Security shall
24 grant employment authorization to an alien who has
25 filed an application for nonimmigrant status under

1 section 101(a)(15)(T) on the date that is the earlier
2 of—

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

5 “(B) a date determined by the Secretary
6 that is not later than 180 days after the date
7 on which the alien filed the application.”.

8 (2) VAWA SELF-PETITIONERS.—Section
9 204(a)(1)(K) of the Immigration and Nationality
10 Act (8 U.S.C. 1154(a)(1)(K)) is amended—

11 (A) in the matter preceding clause (i), by
12 striking “, the alien”;

13 (B) in clause (i), by inserting “the alien”
14 before “is eligible”; and

15 (C) by amending clause (ii) to read as fol-
16 lows:

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

23 “(I) the date on which the alien’s
24 application for lawful permanent resi-
25 dent status is approved; or

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

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

12 “(M) WORK AUTHORIZATION FOR CERTAIN
13 SPECIAL IMMIGRANTS.—Notwithstanding any
14 provision of this Act granting eligibility for em-
15 ployment in the United States, the Secretary of
16 Homeland Security shall grant employment au-
17 thorization to an alien who has a petition for
18 special 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 determined by the Sec-
24 retary that is not later than 180 days after

1 the date on which the alien filed a peti-
2 tion.”.

3 **SEC. 9. RELIEF FOR DOMESTIC VIOLENCE SURVIVOR VISA**
4 **WAIVER ENTRANTS.**

5 (a) IN GENERAL.—Section 217(b)(2) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1187(b)(2)) is
7 amended by inserting “as a VAWA self-petitioner or for
8 relief under section 101(a)(15)(T), section 101(a)(15)(U),
9 section 240A(b)(2), section 101(a)(27)(J), section 245(h),
10 or under any prior provision of law providing comparable
11 relief,” after “asylum.”.

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

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

1 special immigrant juveniles under section 101(a)(27)(J) of
2 such Act shall not be subject to the requirements of sec-
3 tion 212(e) of such Act (8 U.S.C. 1182(e)).

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

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

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

15 (1) **IN GENERAL.**—Section 212(a)(9)(C)(iii) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1182(a)(9)(C)(iii)) is amended—

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

20 (B) by striking “in the case of” and all
21 that follows through “United States.” and in-
22 serting “for humanitarian purposes, to assure
23 family unity, when it is otherwise in the public
24 interest, or in the case of an alien who is apply-

1 ing for or has a claim of relief as a VAWA self-
2 petitioner (as defined in section 101(a)(51)).”.

3 (2) EFFECTIVE DATE.—The amendments made
4 by this section shall take effect on the date of the
5 enactment of this Act and shall apply regardless of
6 whether the alien’s application was filed before, on,
7 or after such date.

8 (c) WAIVERS FOR FALSE CLAIMS TO UNITED STATES
9 CITIZENSHIP.—Section 212(a)(6)(C)(ii) of the Immigra-
10 tion and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is
11 amended by adding at the end the following new sub-
12 clause:

13 “(III) EXCEPTION.—An alien
14 who is a VAWA self-petitioner shall
15 not be considered to be inadmissible
16 under any provision of this subsection
17 based on such representation.”.

18 (d) DEFINITIONS.—Section 101(f) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1101(f)) is amended
20 by striking “or violation that he or she was a citizen,”
21 and inserting “violation that he or she was a citizen, or
22 the alien is a VAWA self-petitioner”.

23 (e) WAIVER FOR CERTAIN VAWA SELF-PETI-
24 TIONERS.—Section 212(d)(11) of the Immigration and
25 Nationality Act (8 U.S.C. 1182(d)(11)) is amended by

1 adding at the end the following: “The Attorney General
2 may waive the application of clause (i) of subsection
3 (a)(6)(E) in the case of an alien who is a VAWA self peti-
4 tioner.”.

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

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

13 “(I) is a VAWA self-petitioner
14 (as defined in section 101(a)(51) of
15 the Immigration and Nationality Act
16 (8 U.S.C. 1101(a)(51)); or

17 “(II) qualifies for relief under
18 subparagraph (T) or (U) of section
19 101(a)(15)(T), section 240A(b)(2),
20 section 244(a)(3) (as in effect on
21 March 31, 1997), or section
22 101(a)(27)(J).”.

1 **SEC. 11. PROHIBITION ON REMOVAL OF SURVIVORS OF VI-**
2 **OLENCE.**

3 Section 240 of the Immigration and Nationality Act
4 (8 U.S.C. 1229a) is amended by adding at the end the
5 following:

6 “(f) PROHIBITION ON REMOVAL OF SURVIVORS OF
7 ABUSE OR VIOLENCE.—

8 “(1) IN GENERAL.—A noncitizen described in
9 paragraph (2) shall not be removed from the United
10 States under this section or any other provision of
11 law until the date on which there is a final denial
12 of the noncitizen’s application for status, after the
13 exhaustion of administrative or judicial review.

14 “(2) NONCITIZEN DESCRIBED.—A noncitizen
15 described in this paragraph is a noncitizen who—

16 “(A) has a pending petition for special im-
17 migrant juvenile status under subparagraph (J)
18 of section 101(a)(27);

19 “(B) has an approved petition for special
20 immigrant juvenile status under subparagraph
21 (J) of section 101(a)(27) and has not yet ad-
22 justed status to that of a lawful permanent resi-
23 dent;

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

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

5 **SEC. 12. EXCEPTION TO REINSTATEMENT.**

6 Section 241 of the Immigration and Nationality Act
7 (8 U.S.C. 1231) is amended by adding at the end the fol-
8 lowing:

9 “(h) Any alien with a pending application under
10 clause (i) or (ii) of section 101(a)(15)(T), clause (i) or
11 (ii) of section 101(a)(15)(U), section 101(a)(51), section
12 240A(b)(2), or section 244(a)(3) (as in effect on March
13 31, 1997), or a pending or approved petition under
14 (101)(a)(27)(J), shall not be ordered removed under this
15 section.”.

16 **SEC. 13. MODIFY THE VAWA CANCELLATION OF REMOVAL**
17 **PROCESS TO REMOVE DISQUALIFYING CRIMI-**
18 **NAL INADMISSIBILITY GROUNDS.**

19 Section 240A(b)(2)(A)(iv) of the Immigration and
20 Nationality Act is amended to read as follows:

21 “(iv) the alien is not inadmissible
22 under paragraph (3) of section 212(a);
23 and”.

1 **SEC. 14. PROTECTIONS FOR STEPCHILDREN.**

2 (a) UNITED STATES CITIZEN PARENT.—Section
3 204(a)(1)(A)(iv) of the Immigration and Nationality Act
4 (8 U.S.C. 1154(a)(1)(A)(iv)) is amended by striking “An
5 alien who is the child of a citizen of the United States,
6 or who was a child of a United States citizen parent who
7 within the past 2 years lost or renounced citizenship status
8 related to an incident of domestic violence,” and inserting
9 “An alien who, notwithstanding the death of a United
10 States citizen parent or alien parent within the past 2
11 years, is the child of a citizen of the United States, or
12 was a child of a United States citizen parent who within
13 the past 2 years lost or renounced citizenship status re-
14 lated to an incident of domestic violence, or demonstrates
15 a connection between the legal termination of the marriage
16 creating the relationship between the stepchild and step-
17 parent within the past 2 years and battering or extreme
18 cruelty by the United States citizen parent,”.

19 (b) LAWFUL PERMANENT RESIDENT PARENT.—Sec-
20 tion 204(a)(1)(B)(iii) of the Immigration and Nationality
21 Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended by striking
22 “An alien who is the child of an alien lawfully admitted
23 for permanent residence, or who was the child of a lawful
24 permanent resident who within the past 2 years lost lawful
25 permanent resident status due to an incident of domestic
26 violence,” and inserting “An alien who, notwithstanding

1 the death of a United States citizen parent or alien parent
2 within the past 2 years, is the child of an alien lawfully
3 admitted for permanent residence, or was the child of a
4 lawful permanent resident who within the past 2 years lost
5 lawful permanent resident status due to an incident of do-
6 mestic violence, or demonstrates a connection between the
7 legal termination of the marriage creating the relationship
8 between the stepchild and stepparent within the past 2
9 years and battering or extreme cruelty by the lawful per-
10 manent resident parent.”.

11 **SEC. 15. WAIVER OF MONETARY PENALTY.**

12 Section 274D of the Immigration and Nationality Act
13 (8 U.S.C. 1324d) is amended by adding at the end the
14 following:

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

21 **SEC. 16. TECHNICAL CORRECTION.**

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

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

1 “(i) SPECIAL RULE FOR BATTERED
2 SPOUSES, CHILDREN, AND PARENTS.—”;

3 (2) in subclause (I), by striking “or section
4 240A(b)(2)” and inserting “, section 240A(b), or
5 section 244(a)(3) (as in effect on March 31, 1997)”;
6 and

7 (3) in the matter following subclause (I)(V), by
8 striking “(as defined in section 431(c)(1)(B) of the
9 Personal Responsibility and Work Opportunity Rec-
10 onciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B))”
11 and inserting “(as defined in section 431(c)(1)(B) of
12 the Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 (8 U.S.C.
14 1641(c)(1)(B)))”.

15 **SEC. 17. PERMIT IMMIGRATION JUDGES TO GRANT INAD-**
16 **MISSIBILITY WAIVERS.**

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

20 “(14) The Secretary of Homeland Security
21 shall determine whether a ground of inadmissibility
22 exists with respect to a nonimmigrant described in
23 section 101(a)(15)(U). The Secretary of Homeland
24 Security or an immigration judge may waive the ap-
25 plication of subsection (a) (other than paragraph

1 (3)(E)) in the case of a nonimmigrant described in
2 section 101(a)(15)(U)), if the Secretary of Home-
3 land Security or immigration judge considers it to be
4 in the public or national interest to do so.”.

5 **SEC. 18. PROHIBITED DISCLOSURE.**

6 Section 384 of the Illegal Immigration Reform and
7 Immigrant Responsibility Act of 1996 (8 U.S.C. 1367) is
8 amended by inserting “, section 214(s),” before “or sec-
9 tion 240A(b)(2) of such Act”.

10 **SEC. 19. ELIMINATION OF VISA CAPS FOR ABUSED, ABAN-**
11 **DONED, OR NEGLECTED CHILDREN.**

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

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

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

1 **SEC. 20. ELIMINATION OF GENERAL CONSENT STANDARD**
2 **FOR ABUSED, ABANDONED, OR NEGLECTED**
3 **CHILDREN.**

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

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

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

9 “(I) no juvenile court has juris-
10 diction to determine the custody sta-
11 tus or placement of an alien in the
12 custody of the Secretary of Health
13 and Human Services unless the Sec-
14 retary of Health and Human Services
15 specifically consents to such jurisdic-
16 tion; and

17 “(II) no natural parent or prior
18 adoptive parent of any alien provided
19 special immigrant status under this
20 subparagraph shall thereafter, by vir-
21 tue of such parentage, be accorded
22 any right, privilege, or status under
23 this Act; and”;

24 (3) by striking clause (iii).

1 **SEC. 21. DEADLINE FOR MOTIONS TO REOPEN ORDERS OF**
2 **REMOVAL.**

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

6 “(v) SPECIAL IMMIGRANT JUVENILE
7 STATUS PETITIONERS OR BENE-
8 FICIARIES.—There is no time limit on the
9 filing of a motion to reopen by a noncitizen
10 who has a pending or approved petition for
11 special immigrant juvenile status under
12 section 101(a)(27)(J) if the basis of the
13 motion is to apply for adjustment of sta-
14 tus. A noncitizen who has a pending or ap-
15 proved petition for special immigrant juve-
16 nile status under such section may file one
17 motion under this clause notwithstanding
18 any numerical limitation that might other-
19 wise apply. The filing of a motion to re-
20 open under this clause shall stay the re-
21 moval of a noncitizen with a pending or
22 approved petition for special immigrant ju-
23 venile status pending the final disposition
24 of the motion, including exhaustion of all
25 appeals. An immigration judge or the
26 Board of Immigration Appeals may hold

1 such a motion in abeyance, or grant such
2 a motion, as appropriate, so that the indi-
3 vidual may wait for an available visa.”.

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