

117TH CONGRESS  
1ST SESSION

# S. 264

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Mr. DURBIN (for himself and Mr. GRAHAM) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Dream Act of 2021”.

5       **SEC. 2. DEFINITIONS.**

6       In this Act:

7               (1) IN GENERAL.—Except as otherwise specifi-  
8       cally provided, any term used in this Act that is

1 used in the immigration laws shall have the meaning  
2 given such term in the immigration laws.

3 (2) DACA.—The term “DACA” means de-  
4 ferred action granted to an alien pursuant to the  
5 Deferred Action for Childhood Arrivals program an-  
6 nounced by President Obama on June 15, 2012.

7 (3) DISABILITY.—The term “disability” has the  
8 meaning given such term in section 3(1) of the  
9 Americans with Disabilities Act of 1990 (42 U.S.C.  
10 12102(1)).

11 (4) EARLY CHILDHOOD EDUCATION PRO-  
12 GRAM.—The term “early childhood education pro-  
13 gram” has the meaning given such term in section  
14 103 of the Higher Education Act of 1965 (20  
15 U.S.C. 1003).

16 (5) ELEMENTARY SCHOOL; HIGH SCHOOL; SEC-  
17 ONDARY SCHOOL.—The terms “elementary school”,  
18 “high school”, and “secondary school” have the  
19 meanings given such terms in section 8101 of the  
20 Elementary and Secondary Education Act of 1965  
21 (20 U.S.C. 7801).

22 (6) IMMIGRATION LAWS.—The term “immigra-  
23 tion laws” has the meaning given such term in sec-  
24 tion 101(a)(17) of the Immigration and Nationality  
25 Act (8 U.S.C. 1101(a)(17)).

1           (7) INSTITUTION OF HIGHER EDUCATION.—The  
2 term “institution of higher education”—

3           (A) except as provided in subparagraph  
4 (B), has the meaning given such term in section  
5 102 of the Higher Education Act of 1965 (20  
6 U.S.C. 1002); and

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

9           (8) PERMANENT RESIDENT STATUS ON A CON-  
10 DITIONAL BASIS.—The term “permanent resident  
11 status on a conditional basis” means status as an  
12 alien lawfully admitted for permanent residence on  
13 a conditional basis under this Act.

14           (9) POVERTY LINE.—The term “poverty line”  
15 has the meaning given such term in section 673 of  
16 the Community Services Block Grant Act (42 U.S.C.  
17 9902).

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

21           (11) UNIFORMED SERVICES.—The term “Uni-  
22 formed Services” has the meaning given the term  
23 “uniformed services” in section 101(a) of title 10,  
24 United States Code.

1 **SEC. 3. PERMANENT RESIDENT STATUS ON A CONDITIONAL**  
2 **BASIS FOR CERTAIN LONG-TERM RESIDENTS**  
3 **WHO ENTERED THE UNITED STATES AS CHIL-**  
4 **DREN.**

5 (a) **CONDITIONAL BASIS FOR STATUS.**—Notwith-  
6 standing any other provision of law, an alien shall be con-  
7 sidered, at the time of obtaining the status of an alien  
8 lawfully admitted for permanent residence under this sec-  
9 tion, to have obtained such status on a conditional basis  
10 subject to the provisions under this Act.

11 (b) **REQUIREMENTS.**—

12 (1) **IN GENERAL.**—Notwithstanding any other  
13 provision of law, the Secretary shall cancel the re-  
14 moval of, and adjust to the status of an alien law-  
15 fully admitted for permanent residence on a condi-  
16 tional basis, an alien who is inadmissible or deport-  
17 able from the United States or is in temporary pro-  
18 tected status under section 244 of the Immigration  
19 and Nationality Act (8 U.S.C. 1254a), if—

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

24 (B) the alien was younger than 18 years of  
25 age on the date on which the alien initially en-  
26 tered the United States;

1 (C) subject to paragraphs (2) and (3), the  
2 alien—

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

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

13 (iii) has not been convicted of—

14 (I) any offense under Federal or  
15 State law, other than a State offense  
16 for which an essential element is the  
17 alien's immigration status, that is  
18 punishable by a maximum term of im-  
19 prisonment of more than 1 year; or

20 (II) 3 or more offenses under  
21 Federal or State law, other than State  
22 offenses for which an essential ele-  
23 ment is the alien's immigration sta-  
24 tus, for which the alien was convicted  
25 on different dates for each of the 3 of-

1 fenses and imprisoned for an aggregate of 90 days or more; and

2  
3 (D) the alien—

4 (i) has been admitted to an institution  
5 of higher education;

6 (ii) has earned a high school diploma  
7 or a commensurate alternative award from  
8 a public or private high school, or has obtained a general education development  
9 certificate recognized under State law or a  
10 high school equivalency diploma in the  
11 United States; or

12  
13 (iii) is enrolled in secondary school or  
14 in an education program assisting students  
15 in—

16 (I) obtaining a regular high  
17 school diploma or its recognized equivalent under State law; or

18  
19 (II) in passing a general educational development exam, a high  
20 school equivalence diploma examination, or other similar State-authorized  
21 exam.  
22  
23

24 (2) WAIVER.—With respect to any benefit  
25 under this Act, the Secretary may waive the grounds

1 of inadmissibility under paragraph (2), (6)(E),  
2 (6)(G), or (10)(D) of section 212(a) of the Immigra-  
3 tion and Nationality Act (8 U.S.C. 1182(a)) for hu-  
4 manitarian purposes or family unity or if the waiver  
5 is otherwise in the public interest.

6 (3) TREATMENT OF EXPUNGED CONVIC-  
7 TIONS.—An expunged conviction shall not automati-  
8 cally be treated as an offense under paragraph (1).  
9 The Secretary shall evaluate expunged convictions  
10 on a case-by-case basis according to the nature and  
11 severity of the offense to determine whether, under  
12 the particular circumstances, the Secretary deter-  
13 mines that the alien should be eligible for cancella-  
14 tion of removal, adjustment to permanent resident  
15 status on a conditional basis, or other adjustment of  
16 status.

17 (4) DACA RECIPIENTS.—The Secretary shall  
18 cancel the removal of, and adjust to the status of an  
19 alien lawfully admitted for permanent residence on  
20 a conditional basis, an alien who was granted DACA  
21 unless the alien has engaged in conduct since the  
22 alien was granted DACA that would make the alien  
23 ineligible for DACA.

24 (5) APPLICATION FEE.—

1 (A) IN GENERAL.—The Secretary may re-  
2 quire an alien applying for permanent resident  
3 status on a conditional basis under this section  
4 to pay a reasonable fee that is commensurate  
5 with the cost of processing the application.

6 (B) EXEMPTION.—An applicant may be  
7 exempted from paying the fee required under  
8 subparagraph (A) if the alien—

9 (i)(I) is younger than 18 years of age;

10 (II) received total income, during the  
11 12-month period immediately preceding the  
12 date on which the alien files an application  
13 under this section, that is less than 150  
14 percent of the poverty line; and

15 (III) is in foster care or otherwise  
16 lacking any parental or other familial sup-  
17 port;

18 (ii) is younger than 18 years of age  
19 and is homeless;

20 (iii)(I) cannot care for himself or her-  
21 self because of a serious, chronic disability;  
22 and

23 (II) received total income, during the  
24 12-month period immediately preceding the  
25 date on which the alien files an application



1 under this section, that is less than 150  
2 percent of the poverty line; or

3 (iv)(I) during the 12-month period im-  
4 mediately preceding the date on which the  
5 alien files an application under this sec-  
6 tion, accumulated \$10,000 or more in debt  
7 as a result of unreimbursed medical ex-  
8 penses incurred by the alien or an imme-  
9 diate family member of the alien; and

10 (II) received total income, during the  
11 12-month period immediately preceding the  
12 date on which the alien files an application  
13 under this section, that is less than 150  
14 percent of the poverty line.

15 (6) SUBMISSION OF BIOMETRIC AND BIO-  
16 GRAPHIC DATA.—The Secretary may not grant an  
17 alien permanent resident status on a conditional  
18 basis under this section unless the alien submits bio-  
19 metric and biographic data, in accordance with pro-  
20 cedures established by the Secretary. The Secretary  
21 shall provide an alternative procedure for aliens who  
22 are unable to provide such biometric or biographic  
23 data because of a physical impairment.

24 (7) BACKGROUND CHECKS.—

1 (A) REQUIREMENT FOR BACKGROUND  
2 CHECKS.—The Secretary shall utilize biometric,  
3 biographic, and other data that the Secretary  
4 determines appropriate—

5 (i) to conduct security and law en-  
6 forcement background checks of an alien  
7 seeking permanent resident status on a  
8 conditional basis under this section; and

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

13 (B) COMPLETION OF BACKGROUND  
14 CHECKS.—The security and law enforcement  
15 background checks of an alien required under  
16 subparagraph (A) shall be completed, to the  
17 satisfaction of the Secretary, before the date on  
18 which the Secretary grants such alien perma-  
19 nent resident status on a conditional basis  
20 under this section.

21 (8) MEDICAL EXAMINATION.—

22 (A) REQUIREMENT.—An alien applying for  
23 permanent resident status on a conditional  
24 basis under this section shall undergo a medical  
25 examination.

1           (B) POLICIES AND PROCEDURES.—The  
2           Secretary, with the concurrence of the Sec-  
3           retary of Health and Human Services, shall  
4           prescribe policies and procedures for the nature  
5           and timing of the examination required under  
6           subparagraph (A).

7           (9) MILITARY SELECTIVE SERVICE.—An alien  
8           applying for permanent resident status on a condi-  
9           tional basis under this section shall establish that  
10          the alien has registered under the Military Selective  
11          Service Act (50 U.S.C. 3801 et seq.), if the alien is  
12          subject to registration under such Act.

13          (c) DETERMINATION OF CONTINUOUS PRESENCE.—

14           (1) TERMINATION OF CONTINUOUS PERIOD.—  
15          Any period of continuous physical presence in the  
16          United States of an alien who applies for permanent  
17          resident status on a conditional basis under this sec-  
18          tion shall not terminate when the alien is served a  
19          notice to appear under section 239(a) of the Immi-  
20          gration and Nationality Act (8 U.S.C. 1229(a)).

21           (2) TREATMENT OF CERTAIN BREAKS IN PRES-  
22          ENCE.—

23           (A) IN GENERAL.—Except as provided in  
24          subparagraphs (B) and (C), an alien shall be  
25          considered to have failed to maintain contin-

1           uous physical presence in the United States  
2           under subsection (b)(1)(A) if the alien has de-  
3           parted from the United States for any period  
4           exceeding 90 days or for any periods, in the ag-  
5           gregate, exceeding 180 days.

6           (B) EXTENSIONS FOR EXTENUATING CIR-  
7           CUMSTANCES.—The Secretary may extend the  
8           time periods described in subparagraph (A) for  
9           an alien who demonstrates that the failure to  
10          timely return to the United States was due to  
11          extenuating circumstances beyond the alien’s  
12          control, including the serious illness of the  
13          alien, or death or serious illness of a parent,  
14          grandparent, sibling, or child of the alien.

15          (C) TRAVEL AUTHORIZED BY THE SEC-  
16          RETARY.—Any period of travel outside of the  
17          United States by an alien that was authorized  
18          by the Secretary may not be counted toward  
19          any period of departure from the United States  
20          under subparagraph (A).

21          (d) LIMITATION ON REMOVAL OF CERTAIN  
22          ALIENS.—

23               (1) IN GENERAL.—The Secretary or the Attor-  
24          ney General may not remove an alien who appears  
25          prima facie eligible for relief under this section.

1           (2) ALIENS SUBJECT TO REMOVAL.—The Sec-  
2           retary shall provide a reasonable opportunity to  
3           apply for relief under this section to any alien who  
4           requests such an opportunity or who appears prima  
5           facie eligible for relief under this section if the alien  
6           is in removal proceedings, is the subject of a final  
7           removal order, or is the subject of a voluntary depart-  
8           ture order.

9           (3) CERTAIN ALIENS ENROLLED IN ELEMEN-  
10          TARY OR SECONDARY SCHOOL.—

11           (A) STAY OF REMOVAL.—The Attorney  
12          General shall stay the removal proceedings of  
13          an alien who—

14           (i) meets all the requirements under  
15          subparagraphs (A), (B), and (C) of sub-  
16          section (b)(1), subject to paragraphs (2)  
17          and (3) of such subsection;

18           (ii) is at least 5 years of age; and

19           (iii) is enrolled in an elementary  
20          school, a secondary school, or an early  
21          childhood education program.

22           (B) COMMENCEMENT OF REMOVAL PRO-  
23          CEEDINGS.—The Secretary may not commence  
24          removal proceedings for an alien described in  
25          subparagraph (A).



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

4 (c) TERMINATION OF STATUS.—The Secretary may  
5 terminate the permanent resident status on a conditional  
6 basis of an alien only if the Secretary—

7 (1) determines that the alien ceases to meet the  
8 requirements under paragraph (1)(C) of section  
9 3(b), subject to paragraphs (2) and (3) of that sec-  
10 tion; and

11 (2) prior to the termination, provides the  
12 alien—

13 (A) notice of the proposed termination;  
14 and

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

18 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

19 (1) IN GENERAL.—Except as provided in para-  
20 graph (2), an alien whose permanent resident status  
21 on a conditional basis expires under subsection  
22 (a)(1) or is terminated under subsection (c) or  
23 whose application for such status is denied shall re-  
24 turn to the immigration status that the alien had  
25 immediately before receiving permanent resident sta-

1       tus on a conditional basis or applying for such sta-  
2       tus, as appropriate.

3               (2) SPECIAL RULE FOR TEMPORARY PRO-  
4       TECTED STATUS.—An alien whose permanent resi-  
5       dent status on a conditional basis expires under sub-  
6       section (a)(1) or is terminated under subsection (c)  
7       or whose application for such status is denied and  
8       who had temporary protected status under section  
9       244 of the Immigration and Nationality Act (8  
10      U.S.C. 1254a) immediately before receiving or ap-  
11     plying for such permanent resident status on a con-  
12     ditional basis, as appropriate, may not return to  
13     such temporary protected status if—

14               (A) the relevant designation under section  
15               244(b) of the Immigration and Nationality Act  
16               (8 U.S.C. 1254a(b)) has been terminated; or

17               (B) the Secretary determines that the rea-  
18               son for terminating the permanent resident sta-  
19               tus on a conditional basis renders the alien in-  
20               eligible for such temporary protected status.

21 **SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**  
22 **RESIDENT STATUS.**

23       (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL  
24       BASIS.—



1           (1) IN GENERAL.—Subject to paragraph (2),  
2           the Secretary shall remove the conditional basis of  
3           an alien’s permanent resident status granted under  
4           this Act and grant the alien status as an alien law-  
5           fully admitted for permanent residence if the alien—

6                   (A) is described in paragraph (1)(C) of  
7                   section 3(b), subject to paragraphs (2) and (3)  
8                   of that section;

9                   (B) has not abandoned the alien’s resi-  
10                  dence in the United States; and

11                  (C)(i) has acquired a degree from an insti-  
12                  tution of higher education or has completed at  
13                  least 2 years, in good standing, in a program  
14                  for a bachelor’s degree or higher degree in the  
15                  United States;

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

19                  (iii) has been employed for periods totaling  
20                  at least 3 years and at least 75 percent of the  
21                  time that the alien has had a valid employment  
22                  authorization, except that any period during  
23                  which the alien is not employed while having a  
24                  valid employment authorization and is enrolled  
25                  in an institution of higher education, a sec-

1           ondary school, or an education program de-  
2           scribed in section 3(b)(1)(D)(iii), shall not  
3           count toward the time requirements under this  
4           clause.

5           (2) **HARDSHIP EXCEPTION.**—The Secretary  
6           shall remove the conditional basis of an alien’s per-  
7           manent resident status and grant the alien status as  
8           an alien lawfully admitted for permanent residence  
9           if the alien—

10                   (A) satisfies the requirements under sub-  
11                   paragraphs (A) and (B) of paragraph (1);

12                   (B) demonstrates compelling circumstances  
13                   for the inability to satisfy the requirements  
14                   under subparagraph (C) of such paragraph; and

15                   (C) demonstrates that—

16                           (i) the alien has a disability;

17                           (ii) the alien is a full-time caregiver of  
18                   a minor child; or

19                           (iii) the removal of the alien from the  
20                   United States would result in extreme  
21                   hardship to the alien or the alien’s spouse,  
22                   parent, or child who is a national of the  
23                   United States or is lawfully admitted for  
24                   permanent residence.

25           (3) **CITIZENSHIP REQUIREMENT.**—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (B), the conditional basis of an  
3 alien’s permanent resident status granted under  
4 this Act may not be removed unless the alien  
5 demonstrates that the alien satisfies the re-  
6 quirements under section 312(a) of the Immi-  
7 gration and Nationality Act (8 U.S.C. 1423(a)).

8 (B) EXCEPTION.—Subparagraph (A) shall  
9 not apply to an alien who is unable to meet the  
10 requirements under such section 312(a) due to  
11 disability.

12 (4) APPLICATION FEE.—

13 (A) IN GENERAL.—The Secretary may re-  
14 quire aliens applying for lawful permanent resi-  
15 dent status under this section to pay a reason-  
16 able fee that is commensurate with the cost of  
17 processing the application.

18 (B) EXEMPTION.—An applicant may be  
19 exempted from paying the fee required under  
20 subparagraph (A) if the alien—

21 (i)(I) is younger than 18 years of age;

22 (II) received total income, during the  
23 12-month period immediately preceding the  
24 date on which the alien files an application

1 under this section, that is less than 150  
2 percent of the poverty line; and

3 (III) is in foster care or otherwise  
4 lacking any parental or other familial sup-  
5 port;

6 (ii) is younger than 18 years of age  
7 and is homeless;

8 (iii)(I) cannot care for himself or her-  
9 self because of a serious, chronic disability;  
10 and

11 (II) received total income, during the  
12 12-month period immediately preceding the  
13 date on which the alien files an application  
14 under this section, that is less than 150  
15 percent of the poverty line; or

16 (iv)(I) during the 12-month period im-  
17 mediately preceding the date on which the  
18 alien files an application under this sec-  
19 tion, the alien accumulated \$10,000 or  
20 more in debt as a result of unreimbursed  
21 medical expenses incurred by the alien or  
22 an immediate family member of the alien;  
23 and

24 (II) received total income, during the  
25 12-month period immediately preceding the

1           date on which the alien files an application  
2           under this section, that is less than 150  
3           percent of the poverty line.

4           (5) SUBMISSION OF BIOMETRIC AND BIO-  
5           GRAPHIC DATA.—The Secretary may not remove the  
6           conditional basis of an alien’s permanent resident  
7           status unless the alien submits biometric and bio-  
8           graphic data, in accordance with procedures estab-  
9           lished by the Secretary. The Secretary shall provide  
10          an alternative procedure for applicants who are un-  
11          able to provide such biometric data because of a  
12          physical impairment.

13          (6) BACKGROUND CHECKS.—

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

18           (i) to conduct security and law en-  
19           forcement background checks of an alien  
20           applying for removal of the conditional  
21           basis of the alien’s permanent resident sta-  
22           tus; and

23           (ii) to determine whether there is any  
24           criminal, national security, or other factor

1           that would render the alien ineligible for  
2           removal of such conditional basis.

3           (B) COMPLETION OF BACKGROUND  
4           CHECKS.—The security and law enforcement  
5           background checks of an alien required under  
6           subparagraph (A) shall be completed, to the  
7           satisfaction of the Secretary, before the date on  
8           which the Secretary removes the conditional  
9           basis of the alien’s permanent resident status.

10       (b) TREATMENT FOR PURPOSES OF NATURALIZA-  
11       TION.—

12           (1) IN GENERAL.—For purposes of title III of  
13           the Immigration and Nationality Act (8 U.S.C. 1401  
14           et seq.), an alien granted permanent resident status  
15           on a conditional basis shall be considered to have  
16           been admitted to the United States, and be present  
17           in the United States, as an alien lawfully admitted  
18           for permanent residence.

19           (2) LIMITATION ON APPLICATION FOR NATU-  
20           RALIZATION.—An alien may not apply for natu-  
21           ralization while the alien is in permanent resident  
22           status on a conditional basis.

1 **SEC. 6. DOCUMENTATION REQUIREMENTS.**

2 (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
3 alien’s application for permanent resident status on a con-  
4 ditional basis may include, as proof of identity—

5 (1) a passport or national identity document  
6 from the alien’s country of origin that includes the  
7 alien’s name and the alien’s photograph or finger-  
8 print;

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

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

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

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

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

22 (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
23 ICAL PRESENCE IN THE UNITED STATES.—To establish  
24 that an alien has been continuously physically present in  
25 the United States, as required under section 3(b)(1)(A),  
26 or to establish that an alien has not abandoned residence

1 in the United States, as required under section 5(a)(1)(B),  
2 the alien may submit documents to the Secretary, includ-  
3 ing—

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

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

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

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

13 (5) passport entries;

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

16 (7) automobile license receipts or registration;

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

19 (9) tax receipts;

20 (10) insurance policies;

21 (11) remittance records;

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



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

3 (14) dated bank transactions; or

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

8 (A) the name, address, and telephone num-  
9 ber of the affiant; and

10 (B) the nature and duration of the rela-  
11 tionship between the affiant and the alien.

12 (c) DOCUMENTS ESTABLISHING INITIAL ENTRY  
13 INTO THE UNITED STATES.—To establish under section  
14 3(b)(1)(B) that an alien was younger than 18 years of  
15 age on the date on which the alien initially entered the  
16 United States, an alien may submit documents to the Sec-  
17 retary, including—

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

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

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

24 (4) hospital or medical records showing medical  
25 treatment or hospitalization, the name of the med-

1 ical facility or physician, and the date of the treat-  
2 ment or hospitalization;

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

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

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

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

13 (9) automobile license receipts or registration;

14 (10) deeds, mortgages, or rental agreement con-  
15 tracts;

16 (11) tax receipts;

17 (12) travel records;

18 (13) copies of money order receipts sent in or  
19 out of the country;

20 (14) dated bank transactions;

21 (15) remittance records; or

22 (16) insurance policies.

23 (d) DOCUMENTS ESTABLISHING ADMISSION TO AN  
24 INSTITUTION OF HIGHER EDUCATION.—To establish that  
25 an alien has been admitted to an institution of higher edu-

1 cation, the alien shall submit to the Secretary a document  
2 from the institution of higher education certifying that the  
3 alien—

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

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

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

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

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

17 To establish that an alien has earned a high school di-  
18 ploma or a commensurate alternative award from a public  
19 or private high school, or has obtained a general edu-  
20 cational development certificate recognized under State  
21 law or a high school equivalency diploma in the United  
22 States, the alien shall submit to the Secretary—

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

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

3           (3) evidence that the alien passed a State-au-  
4           thorized exam, including the general educational de-  
5           velopment exam, in the United States.

6           (g) DOCUMENTS ESTABLISHING ENROLLMENT IN AN  
7           EDUCATIONAL PROGRAM.—To establish that an alien is  
8           enrolled in any school or education program described in  
9           section 3(b)(1)(D)(iii), 3(d)(3)(A)(iii), or 5(a)(1)(C), the  
10          alien shall submit school records from the United States  
11          school that the alien is currently attending that include—

12           (1) the name of the school; and

13           (2) the alien’s name, periods of attendance, and  
14          current grade or educational level.

15          (h) DOCUMENTS ESTABLISHING EXEMPTION FROM  
16          APPLICATION FEES.—To establish that an alien is exempt  
17          from an application fee under section 3(b)(5)(B) or  
18          5(a)(4)(B), the alien shall submit to the Secretary the fol-  
19          lowing relevant documents:

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

1           (2) DOCUMENTS TO ESTABLISH INCOME.—To  
2 establish the alien’s income, the alien shall provide—

3           (A) employment records that have been  
4 maintained by the Social Security Administra-  
5 tion, the Internal Revenue Service, or any other  
6 Federal, State, or local government agency;

7           (B) bank records; or

8           (C) at least 2 sworn affidavits from indi-  
9 viduals who are not related to the alien and  
10 who have direct knowledge of the alien’s work  
11 and income that contain—

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

14           (ii) the nature and duration of the re-  
15 lationship between the affiant and the  
16 alien.

17           (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
18 LACK OF FAMILIAL SUPPORT, HOMELESSNESS, OR  
19 SERIOUS, CHRONIC DISABILITY.—To establish that  
20 the alien was in foster care, lacks parental or famil-  
21 ial support, is homeless, or has a serious, chronic  
22 disability, the alien shall provide at least 2 sworn af-  
23 fidavits from individuals who are not related to the  
24 alien and who have direct knowledge of the cir-  
25 cumstances that contain—

1 (A) a statement that the alien is in foster  
2 care, otherwise lacks any parental or other fa-  
3 miliar support, is homeless, or has a serious,  
4 chronic disability, as appropriate;

5 (B) the name, address, and telephone num-  
6 ber of the affiant; and

7 (C) the nature and duration of the rela-  
8 tionship between the affiant and the alien.

9 (4) DOCUMENTS TO ESTABLISH UNPAID MED-  
10 ICAL EXPENSE.—To establish that the alien has debt  
11 as a result of unreimbursed medical expenses, the  
12 alien shall provide receipts or other documentation  
13 from a medical provider that—

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

15 (B) bear the name of the individual receiv-  
16 ing treatment; and

17 (C) document that the alien has accumu-  
18 lated \$10,000 or more in debt in the past 12  
19 months as a result of unreimbursed medical ex-  
20 penses incurred by the alien or an immediate  
21 family member of the alien.

22 (i) DOCUMENTS ESTABLISHING QUALIFICATION FOR  
23 HARDSHIP EXEMPTION.—To establish that an alien satis-  
24 fies one of the criteria for the hardship exemption set forth  
25 in section 5(a)(2)(C), the alien shall submit to the Sec-

1 retary at least 2 sworn affidavits from individuals who are  
2 not related to the alien and who have direct knowledge  
3 of the circumstances that warrant the exemption, that  
4 contain—

5 (1) the name, address, and telephone number of  
6 the affiant; and

7 (2) the nature and duration of the relationship  
8 between the affiant and the alien.

9 (j) DOCUMENTS ESTABLISHING SERVICE IN THE  
10 UNIFORMED SERVICES.—To establish that an alien has  
11 served in the Uniformed Services for at least 2 years and,  
12 if discharged, received an honorable discharge, the alien  
13 shall submit to the Secretary—

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

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

17 (3) personnel records for such service from the  
18 appropriate Uniformed Service; or

19 (4) health records from the appropriate Uni-  
20 formed Service.

21 (k) DOCUMENTS ESTABLISHING EMPLOYMENT.—

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

1 (A) establish compliance with such employ-  
2 ment requirement; and

3 (B) have been maintained by the Social Se-  
4 curity Administration, the Internal Revenue  
5 Service, or any other Federal, State, or local  
6 government agency.

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

12 (A) bank records;

13 (B) business records;

14 (C) employer records;

15 (D) records of a labor union, day labor  
16 center, or organization that assists workers in  
17 employment;

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

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

23 (ii) the nature and duration of the re-  
24 lationship between the affiant and the  
25 alien; and



1 (F) remittance records.

2 (I) AUTHORITY TO PROHIBIT USE OF CERTAIN DOC-  
3 UMENTS.—If the Secretary determines, after publication  
4 in the Federal Register and an opportunity for public com-  
5 ment, that any document or class of documents does not  
6 reliably establish identity or that permanent resident sta-  
7 tus on a conditional basis is being obtained fraudulently  
8 to an unacceptable degree, the Secretary may prohibit or  
9 restrict the use of such document or class of documents.

10 **SEC. 7. RULEMAKING.**

11 (a) INITIAL PUBLICATION.—Not later than 90 days  
12 after the date of the enactment of this Act, the Secretary  
13 shall publish regulations implementing this Act in the  
14 Federal Register. Such regulations shall allow eligible indi-  
15 viduals to immediately apply affirmatively for the relief  
16 available under section 3 without being placed in removal  
17 proceedings.

18 (b) INTERIM REGULATIONS.—Notwithstanding sec-  
19 tion 553 of title 5, United States Code, the regulations  
20 published pursuant to subsection (a) shall be effective, on  
21 an interim basis, immediately upon publication in the Fed-  
22 eral Register, but may be subject to change and revision  
23 after public notice and opportunity for a period of public  
24 comment.

1 (c) FINAL REGULATIONS.—Not later than 180 days  
2 after the date on which interim regulations are published  
3 under this section, the Secretary shall publish final regula-  
4 tions implementing this Act.

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

9 **SEC. 8. CONFIDENTIALITY OF INFORMATION.**

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

14 (b) REFERRALS PROHIBITED.—The Secretary may  
15 not refer any individual who has been granted permanent  
16 resident status on a conditional basis or who was granted  
17 DACA to U.S. Immigration and Customs Enforcement,  
18 U.S. Customs and Border Protection, or any designee of  
19 either such entity.

20 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
21 sections (a) and (b), information provided in an applica-  
22 tion for permanent resident status on a conditional basis  
23 or a request for DACA may be shared with Federal secu-  
24 rity and law enforcement agencies—

1           (1) for assistance in the consideration of an ap-  
2           plication for permanent resident status on a condi-  
3           tional basis;

4           (2) to identify or prevent fraudulent claims;

5           (3) for national security purposes; or

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

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

11 **SEC. 9. RESTORATION OF STATE OPTION TO DETERMINE**  
12                                   **RESIDENCY FOR PURPOSES OF HIGHER EDU-**  
13                                   **CATION BENEFITS.**

14          (a) IN GENERAL.—Section 505 of the Illegal Immi-  
15          gration Reform and Immigrant Responsibility Act of 1996  
16          (8 U.S.C. 1623) is repealed.

17          (b) EFFECTIVE DATE.—The repeal under subsection  
18          (a) shall take effect as if included in the original enact-  
19          ment of the Illegal Immigration Reform and Immigrant  
20          Responsibility Act of 1996 (division C of Public Law 104–  
21          208; 110 Stat. 3009–546).

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