

119TH CONGRESS
1ST SESSION

S. _____

To provide a process for granting lawful permanent resident status to aliens from certain countries who meet certain eligibility requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. VAN HOLLEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide a process for granting lawful permanent resident status to aliens from certain countries who meet certain eligibility requirements, 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 TITLES.**

4 This Act may be cited as the “Safe Environment
5 from Countries Under Repression and Emergency Act” or
6 the “SECURE Act”.

1 **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN FOREIGN NA-**
2 **TIONALS.**

3 (a) IN GENERAL.—Chapter 5 of title II of the Immi-
4 gration and Nationality Act (8 U.S.C. 1255 et seq.) is
5 amended by inserting after section 245A (8 U.S.C.
6 1255A) the following:

7 **“SEC. 245B. ADJUSTMENT OF STATUS OF CERTAIN FOR-**
8 **EIGN NATIONALS.**

9 “(a) IN GENERAL.—

10 “(1) AUTHORIZATION.—

11 “(A) IN GENERAL.—Notwithstanding sec-
12 tion 245(c), the status of any alien described in
13 subsection (b)(1) shall be adjusted by the Sec-
14 retary of Homeland Security to that of an alien
15 lawfully admitted for permanent residence if the
16 alien—

17 “(i) is not inadmissible under para-
18 graph (2) or (3) of section 212(a);

19 “(ii) is not deportable under para-
20 graph (2), (3), or (4) of section 237(a);
21 and

22 “(iii) is not described in section
23 208(b)(2)(A)(i).

24 “(B) TREATMENT OF EXPUNGED CONVIC-
25 TIONS.—In this section, the term ‘conviction’
26 does not include a judgment that has been ex-

1 punged or set aside that resulted in a rehabili-
2 tative disposition or the equivalent.

3 “(2) APPLICATION.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), any alien who is physically
6 present in the United States may apply for ad-
7 justment of status under this section.

8 “(B) APPLICATIONS FROM OUTSIDE THE
9 UNITED STATES FOR CERTAIN ALIENS PRE-
10 VIOUSLY REMOVED OR WHO DEPARTED.—In
11 the case of an alien who, on or after September
12 28, 2016, was removed from the United States
13 or departed pursuant to an order of voluntary
14 departure, the alien may apply for adjustment
15 of status under this section from outside the
16 United States if, on the day before the date on
17 which the alien was so removed or so departed,
18 the alien was an alien described in subsection
19 (b)(1).

20 “(C) FEE.—

21 “(i) IN GENERAL.—The Secretary of
22 Homeland Security shall require any alien
23 applying for permanent resident status
24 under this section to pay a reasonable fee
25 that is commensurate with the cost of

1 processing the application. Such fee may
2 not exceed \$1,440.

3 “(ii) FEE EXEMPTION.—An applicant
4 may be exempted from paying the applica-
5 tion fee required under clause (i) if the ap-
6 plicant—

7 “(I) is younger than 18 years of
8 age;

9 “(II) received total income, dur-
10 ing the 12-month period immediately
11 preceding the date on which the appli-
12 cant files an application under this
13 section, that is less than 150 percent
14 of the Federal poverty line;

15 “(III) is in foster care or other-
16 wise lacking any parental or other fa-
17 milial support; or

18 “(IV) cannot care for himself or
19 herself because of a serious, chronic
20 disability.

21 “(D) RELATIONSHIP OF APPLICATION TO
22 CERTAIN ORDERS.—

23 “(i) MOTION NOT REQUIRED.—An
24 alien described in subparagraph (A) or (B)
25 who has been the subject of an order of re-

1 moval or voluntary departure may not be
2 required, as a condition of submitting or
3 approving an application under such sub-
4 paragraph, to file a motion to reopen, re-
5 consider, or vacate such order.

6 “(ii) APPROVAL.—If the Secretary of
7 Homeland Security approves an application
8 submitted by an alien under this para-
9 graph, the Secretary shall cancel any order
10 of removal or voluntary departure to which
11 the alien is or was subject.

12 “(iii) DENIAL.—If the Secretary of
13 Homeland Security renders a final admin-
14 istrative decision to deny an application
15 submitted by an alien under this para-
16 graph, any order of removal or voluntary
17 departure to which the alien is subject
18 shall be effective and enforceable to the
19 same extent as if such application had not
20 been made.

21 “(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-
22 TUS.—

23 “(1) IN GENERAL.—An alien is described in
24 this subsection if the alien—

1 “(A) is a national of a foreign state that
2 was at any time designated under section
3 244(b);

4 “(B)(i) is in temporary protected status
5 under section 244;

6 “(ii) held temporary protected status as a
7 national of a designated foreign state described
8 in subparagraph (A);

9 “(iii) qualified for temporary protected sta-
10 tus on the date on which the last designation or
11 extension was made by the Secretary of Home-
12 land Security; or

13 “(iv) was present in the United States pur-
14 suant to a grant of deferred enforced departure
15 that had been extended beyond or was issued
16 after September 28, 2016;

17 “(C)(i) has been continuously present in
18 the United States for not less than 3 years and
19 is physically present in the United States on the
20 date on which the alien files an application for
21 adjustment of status under this section; or

22 “(ii) in the case of an alien who, on or
23 after September 28, 2016, was removed from
24 the United States or departed pursuant to an
25 order of voluntary departure, was continuously

1 present in the United States for a period of not
2 less than 3 years before the date on which the
3 alien was so removed or so departed; and

4 “(D) passes all applicable criminal and na-
5 tional security background checks.

6 “(2) SHORT ABSENCES.—An alien shall not be
7 considered to have failed to maintain continuous
8 physical presence in the United States under para-
9 graph (1)(C) by reason of an absence, or multiple
10 absences, from the United States for any period or
11 periods that do not exceed, in the aggregate, 180
12 days.

13 “(3) WAIVER AUTHORIZED.—Notwithstanding
14 any provision of this Act, an alien who fails to meet
15 the continuous physical presence requirement under
16 paragraph (1)(C) shall be considered eligible for ad-
17 justment of status under this section if the Attorney
18 General or the Secretary of Homeland Security, as
19 applicable, determines that the removal or continued
20 absence of the alien from the United States, as ap-
21 plicable, would result in extreme hardship to the
22 alien or to the alien’s spouse, children, parents, or
23 domestic partner.

24 “(c) STAY OF REMOVAL.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), an alien who is subject to a final order
3 of removal may not be removed if the alien—

4 “(A) has a pending application under sub-
5 section (a); or

6 “(B)(i) is prima facie eligible to file an ap-
7 plication under subsection (a); and

8 “(ii) indicates that he or she intends to file
9 such an application.

10 “(2) EXCEPTION.—Paragraph (1) shall not
11 apply to any alien whose application under sub-
12 section (a) has been denied by the Secretary of
13 Homeland Security in a final administrative deter-
14 mination.

15 “(3) DURING CERTAIN PROCEEDINGS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B) and notwithstanding any
18 other provision of this Act, the Secretary of
19 Homeland Security may not order any alien to
20 be removed from the United States if the alien
21 raises, as a defense to such an order, the eligi-
22 bility of the alien to apply for adjustment of
23 status under subsection (a).

24 “(B) EXCEPTION.—Subparagraph (A)
25 shall not apply to any alien whose application

1 under subsection (a) has been denied by the
2 Secretary of Homeland Security in a final ad-
3 ministrative determination.

4 “(4) WORK AUTHORIZATION.—The Secretary of
5 Homeland Security—

6 “(A) shall authorize any alien who has ap-
7 plied for adjustment of status under subsection
8 (a) to engage in employment in the United
9 States while such application is pending; and

10 “(B) may provide such alien with an ‘em-
11 ployment authorized’ endorsement or other ap-
12 propriate document signifying such employment
13 authorization.

14 “(d) ADVANCE PAROLE.—

15 “(1) IN GENERAL.—During the period begin-
16 ning on the date on which an alien applies for ad-
17 justment of status under this Act and ending on the
18 date on which the Secretary of Homeland Security
19 makes a final decision regarding such application,
20 the alien shall be eligible to apply for advance pa-
21 role.

22 “(2) APPLICABILITY.—Section 101(g) shall not
23 apply to an alien granted advance parole under this
24 subsection.

1 “(e) ADJUSTMENT OF STATUS FOR SPOUSES AND
2 CHILDREN.—

3 “(1) IN GENERAL.—Notwithstanding section
4 245(c) and except as provided in paragraphs (2) and
5 (3), the Secretary of Homeland Security shall adjust
6 the status of an alien to that of an alien lawfully ad-
7 mitted for permanent residence if the alien—

8 “(A) is the spouse, domestic partner, child,
9 or unmarried son or daughter of an alien whose
10 status has been adjusted to that of an alien
11 lawfully admitted for permanent residence
12 under subsection (a);

13 “(B) is physically present in the United
14 States on the date on which the alien files an
15 application for such adjustment of status; and

16 “(C) is otherwise eligible to receive an im-
17 migrant visa and is otherwise admissible to the
18 United States for permanent residence.

19 “(2) CONTINUOUS PRESENCE REQUIREMENT.—

20 “(A) IN GENERAL.—The status of an un-
21 married son or daughter referred to in para-
22 graph (1)(A) may not be adjusted under para-
23 graph (1) until such son or daughter establishes
24 that he or she has been physically present in
25 the United States for at least 1 year.

1 “(B) SHORT ABSENCES.—An alien shall
2 not be considered to have failed to maintain
3 continuous physical presence in the United
4 States under subparagraph (A) by reason of an
5 absence, or multiple absences, from the United
6 States for any period or periods that do not ex-
7 ceed, in the aggregate, 180 days.

8 “(3) WAIVER.—In determining eligibility and
9 admissibility under paragraph (1)(C), the grounds
10 for inadmissibility under paragraphs (4), (5), (6),
11 (7)(A), and (9) of section 212(a) shall not apply.

12 “(f) AVAILABILITY OF ADMINISTRATIVE REVIEW.—
13 The Secretary of Homeland Security shall provide appli-
14 cants for adjustment of status under subsection (a) the
15 same right to, and procedures for, administrative review
16 as are provided to—

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

19 “(2) aliens who are subject to removal pro-
20 ceedings under section 240.

21 “(g) EXCEPTIONS TO NUMERICAL LIMITATIONS.—
22 The numerical limitations set forth in sections 201 and
23 202 shall not apply to aliens whose status is adjusted pur-
24 suant to subsection (a).”.

1 (b) CLARIFICATION OF INSPECTION AND ADMISSION
2 UNDER TEMPORARY PROTECTED STATUS.—Section
3 244(f)(4) of the Immigration and Nationality Act (8
4 U.S.C. 1254a(f)(4)) is amended by inserting “as having
5 been inspected and admitted into the United States, and”
6 after “considered”.

7 (c) CLERICAL AMENDMENT.—The table of contents
8 for the Immigration and Nationality Act (8 U.S.C. 1101
9 et seq.) is amended by inserting after the item relating
10 to section 245A the following:

“Sec. 245B. Adjustment of status of certain foreign nationals.”.

11 **SEC. 3. CONFIDENTIALITY OF INFORMATION.**

12 (a) IN GENERAL.—The Secretary of Homeland Secu-
13 rity may not disclose or use information provided in appli-
14 cations filed under section 245B of the Immigration and
15 Nationality Act, as added by section 2, for the purpose
16 of immigration enforcement.

17 (b) REFERRALS PROHIBITED.—The Secretary may
18 not refer any individual who has been granted permanent
19 resident status under section 245B of the Immigration
20 and Nationality Act to U.S. Immigration and Customs
21 Enforcement, U.S. Customs and Border Protection, or
22 any designee of either such entity.

23 (c) LIMITED EXCEPTION.—Notwithstanding sub-
24 sections (a) and (b), information provided in an applica-
25 tion for permanent resident status under section 245B of

1 the Immigration and Nationality Act may be shared with
2 Federal security and law enforcement agencies—

3 (1) for assistance in the consideration of an ap-
4 plication for permanent resident status under such
5 section;

6 (2) to identify or prevent fraudulent claims;

7 (3) for national security purposes; or

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

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

13 **SEC. 4. ADDITIONAL REPORTING REQUIREMENTS REGARD-**
14 **ING FUTURE DISCONTINUED ELIGIBILITY OF**
15 **ALIENS FROM COUNTRIES CURRENTLY LIST-**
16 **ED UNDER TEMPORARY PROTECTED STATUS.**

17 Section 244(b)(3) of the Immigration and Nationality
18 Act (8 U.S.C. 1254a(b)(3)) is amended—

19 (1) in subparagraph (A)—

20 (A) by striking “Attorney General” each
21 place such term appears and inserting “Sec-
22 retary of Homeland Security”; and

23 (B) by inserting “(including a rec-
24 ommendation from the Secretary of State that
25 is received by the Secretary of Homeland Secu-

1 rity not later than 90 days before the end of
2 such period of designation)” after “Govern-
3 ment”; and

4 (2) in subparagraph (B)—

5 (A) by striking “If the Attorney General”
6 and inserting the following:

7 “(i) IN GENERAL.—If the Secretary of
8 Homeland Security”; and

9 (B) in clause (i), as designated by subpara-
10 graph (A), by striking “Attorney General” and
11 inserting “Secretary”; and

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

13 “(ii) REPORT.—Not later than 3 days
14 after the publication of the Secretary’s de-
15 termination in the Federal Register that a
16 country’s designation under paragraph (1)
17 is being terminated, the Secretary shall
18 submit a report to the Committee on the
19 Judiciary of the Senate and the Committee
20 on the Judiciary of the House of Rep-
21 resentatives that includes—

22 “(I) an explanation of the event
23 or events that initially prompted such
24 country’s designation under para-
25 graph (1);

1 “(II) the progress the country
2 has made in remedying the designa-
3 tion under paragraph (1), including
4 any significant challenges or short-
5 comings that have not been addressed
6 since the initial designation;

7 “(III) a statement indicating
8 whether the country has requested a
9 designation under paragraph (1), a
10 redesignation under such paragraph,
11 or an extension of such designation;
12 and

13 “(IV) an analysis, with applicable
14 and relevant metrics, as determined
15 by the Secretary, of the country’s abil-
16 ity to repatriate its nationals, includ-
17 ing—

18 “(aa) the country’s financial
19 ability to provide for its repatri-
20 ated citizens;

21 “(bb) the country’s financial
22 ability to address the initial des-
23 ignation under paragraph (1)
24 without foreign assistance;

1 “(cc) the country’s gross do-
2 mestic product and per capita
3 gross domestic product per cap-
4 ita;

5 “(dd) an analysis of the
6 country’s political stability and
7 its ability to be economically self-
8 sufficient without foreign assist-
9 ance;

10 “(ee) the economic and so-
11 cial impact the repatriation of
12 nationals in possession of tem-
13 porary protected status would
14 have on the recipient country;
15 and

16 “(ff) any additional metrics
17 the Secretary considers nec-
18 essary.”.

19 **SEC. 5. OTHER MATTERS.**

20 (a) APPLICATION OF IMMIGRATION AND NATION-
21 ALITY ACT PROVISIONS.—Except as otherwise specifically
22 provided in this Act, the definitions under section 101 of
23 the Immigration and Nationality Act (8 U.S.C. 1101)
24 shall apply when such terms are used in this Act.

1 (b) SAVINGS PROVISION.—Nothing in this Act, or the
2 amendments made by this Act, may be construed to re-
3 peal, amend, alter, modify, effect, or restrict the powers,
4 duties, functions, or authority of the Secretary of Home-
5 land Security in the administration and enforcement of
6 the immigration laws.

7 (c) ELIGIBILITY FOR OTHER IMMIGRATION BENE-
8 FITS.—Any alien who is eligible to be granted the status
9 of an alien lawfully admitted for permanent residence
10 under section 245B of the Immigration and Nationality
11 Act, as added by section 2, may not be precluded from
12 seeking such status under any other provision of law for
13 which the alien may otherwise be eligible.