

115TH CONGRESS
1ST SESSION

S. 1852

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2017

Mr. TILLIS (for himself, Mr. LANKFORD, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To authorize the cancellation of removal and adjustment of status of certain aliens 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Solution for Undocumented Children through Careers,
6 Employment, Education, and Defending our Nation Act”
7 or the “SUCCEED Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Cancellation of removal of certain long-term residents who entered the
 United States as children.
- Sec. 4. Conditional permanent resident status.
- Sec. 5. Removal of conditional basis for permanent residence.
- Sec. 6. Limitation on parole authority.
- Sec. 7. Failure to comply with status requirements; visa overstay.
- Sec. 8. Benefits for relatives of aliens granted conditional permanent resident
 status.
- Sec. 9. Exclusive jurisdiction.
- Sec. 10. Confidentiality of information.
- Sec. 11. Restriction on welfare benefits for conditional permanent residents.
- Sec. 12. GAO report.
- Sec. 13. Military enlistment.
- Sec. 14. Eligibility for naturalization.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) IN GENERAL.—Except as otherwise specifi-
 6 cally provided, any term used in this Act that is also
 7 used in the immigration laws shall have the meaning
 8 given such term in the immigration laws.

9 (2) ALIEN ENLISTEE.—The term “alien en-
 10 listee” means a conditional permanent resident that
 11 seeks to maintain or extend such status by com-
 12 plying with the requirements under this Act relating
 13 to enlistment and service in the Armed Forces of the
 14 United States.

15 (3) ALIEN POSTSECONDARY STUDENT.—The
 16 term “alien postsecondary student” means a condi-
 17 tional permanent resident that seeks to maintain or
 18 extend such status by complying with the require-

1 ments under this Act relating to enrollment in, and
2 graduation from, an institution of higher education
3 in the United States.

4 (4) CONDITIONAL PERMANENT RESIDENT.—

5 (A) DEFINITION.—The term “conditional
6 permanent resident” means an alien described
7 in subparagraph (B) who is granted conditional
8 permanent resident status under this Act.

9 (B) DESCRIPTION.—An alien granted con-
10 ditional permanent resident status under this
11 Act—

12 (i) shall not be considered to be an
13 alien who is unlawfully present in the
14 United States for purposes of the immigra-
15 tion laws, including section 505 of the Ille-
16 gal Immigration Reform and Immigrant
17 Responsibility Act of 1996 (8 U.S.C.
18 1623);

19 (ii) shall not be considered a lawful
20 permanent resident for the purpose of—

21 (I) petitioning for relatives under
22 section 204(a) of the Immigration and
23 Nationality Act (8 U.S.C. 1154(a));
24 or

1 (II) seeking adjustment of status
2 under section 245(a) of such Act (8
3 U.S.C. 1255(a));

4 (iii) has the intention to permanently
5 reside in the United States;

6 (iv) is not required to have a foreign
7 residence which the alien has no intention
8 of abandoning; and

9 (v) shall be considered to have been
10 inspected and admitted for the purposes of
11 section 245(a) of the Immigration and Na-
12 tionality Act (8 U.S.C. 1255(a)) after the
13 condition on the alien's permanent resident
14 status has been removed pursuant to sec-
15 tion 5.

16 (5) FEDERAL PUBLIC BENEFIT.—The term
17 “Federal public benefit” means—

18 (A) the American Opportunity Tax Credit
19 authorized under section 25A(i) of the Internal
20 Revenue Code of 1986;

21 (B) the Earned Income Tax Credit author-
22 ized under section 32 of the Internal Revenue
23 Code of 1986;

1 (C) the Health Coverage Tax Credit au-
2 thorized under section 35 of the Internal Rev-
3 enue Code of 1986;

4 (D) Social Security benefits authorized
5 under title II of the Social Security Act (42
6 U.S.C. 401 et seq.);

7 (E) Medicare benefits authorized under
8 title XVIII of the Social Security Act (42
9 U.S.C. 1395 et seq.); and

10 (F) benefits received under the Federal-
11 State Unemployment Compensation Act of
12 1970 (26 U.S.C. 3304 note).

13 (6) IMMIGRATION LAWS.—The term “immigra-
14 tion laws” has the meaning given the term in section
15 101(a)(17) of the Immigration and Nationality Act
16 (8 U.S.C. 1101(a)(17)).

17 (7) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given the term in section 102 of the Higher
20 Education Act of 1965 (20 U.S.C. 1002), except
21 that the term does not include an institution of high-
22 er education outside the United States.

23 (8) MILITARY-RELATED TERMS.—The terms
24 “active duty”, “active service”, “active status”, and

1 “armed forces” have the meanings given those terms
 2 in section 101 of title 10, United States Code.

3 (9) APPLICABLE FEDERAL TAX LIABILITY.—
 4 The term “applicable Federal tax liability” means li-
 5 ability for Federal taxes imposed under the Internal
 6 Revenue Code of 1986, including any penalties and
 7 interest on such taxes.

8 (10) SECRETARY.—The term “Secretary”
 9 means the Secretary of Homeland Security.

10 (11) SIGNIFICANT MISDEMEANOR.—The term
 11 “significant misdemeanor” means—

12 (A) a criminal offense involving—

13 (i) domestic violence;

14 (ii) sexual abuse or exploitation, in-
 15 cluding sexually explicit conduct involving
 16 minors (as such terms are defined in sec-
 17 tion 2256 of title 18, United States Code);

18 (iii) burglary;

19 (iv) unlawful possession or use of a
 20 firearm;

21 (v) drug distribution or trafficking; or

22 (vi) driving under the influence or
 23 driving while intoxicated; or

24 (B) any other misdemeanor for which the
 25 individual was sentenced to a term of imprison-

1 ment of not less than 90 days (excluding a sus-
 2 pended sentence).

3 **SEC. 3. CANCELLATION OF REMOVAL OF CERTAIN LONG-**
 4 **TERM RESIDENTS WHO ENTERED THE**
 5 **UNITED STATES AS CHILDREN.**

6 (a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-
 7 DENTS WHO ENTERED THE UNITED STATES AS CHIL-
 8 DREN.—

9 (1) IN GENERAL.—Notwithstanding any other
 10 provision of law and except as otherwise provided in
 11 this Act, the Secretary may cancel the removal of an
 12 alien who is inadmissible or deportable from the
 13 United States and grant the alien conditional perma-
 14 nent resident status under this Act, if the alien—

15 (A) has been physically present in the
 16 United States for a continuous period since
 17 June 15, 2012;

18 (B) was younger than 16 years of age on
 19 the date on which the alien initially entered the
 20 United States;

21 (C) was younger than 31 years of age and
 22 had no lawful status in the United States on
 23 June 15, 2012;

24 (D) if 18 years of age or older—

1 (i) has, while in the United States,
2 earned a high school diploma, obtained a
3 general education development certificate
4 recognized under State law, or received a
5 high school equivalency diploma;

6 (ii) has been admitted to an institu-
7 tion of higher education in the United
8 States; or

9 (iii) has served, is serving, or has en-
10 listed in the Armed Forces of the United
11 States;

12 (E) if younger than 18 years of age—

13 (i) is attending, or has enrolled in, a
14 primary or secondary school; or

15 (ii) is attending, or has enrolled in, a
16 postsecondary school;

17 (F) has been a person of good moral char-
18 acter (as defined in section 101(f) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1101(f)))
20 since the date on which the alien initially en-
21 tered the United States;

22 (G) has paid any applicable Federal tax li-
23 ability or has agreed to cure such liability
24 through a payment installment plan that has
25 been approved by the Internal Revenue Service;

1 (H) subject to paragraph (2)—

2 (i) is not inadmissible under para-
3 graph (1), (2), (3), (4), (6)(C), (6)(E), (8),
4 (9)(C) or (10) of section 212(a) of the Im-
5 migration and Nationality Act (8 U.S.C.
6 1182(a)), and is not inadmissible under
7 subparagraph (A) of section 212(a)(9) of
8 such Act (unless the Secretary determines
9 that the sole basis for the alien's removal
10 under such subparagraph was unlawful
11 presence under subparagraph (B) of such
12 section 212(a)(9));

13 (ii) is not deportable under paragraph
14 (1)(D), (1)(E), (1)(G), (2), (3), (4), (5), or
15 (6) of section 237(a) of the Immigration
16 and Nationality Act (8 U.S.C. 1227(a));

17 (iii) has not ordered, incited, assisted,
18 or otherwise participated in the persecution
19 of any person on account of race, religion,
20 nationality, membership in a particular so-
21 cial group, or political opinion; and

22 (iv) has not been convicted of—

23 (I) a felony under Federal or
24 State law, regardless of the sentence
25 imposed;

1 (II) any combination of offenses
2 under Federal or State law for which
3 the alien was sentenced to imprison-
4 ment for at least 1 year; or

5 (III) a significant misdemeanor;
6 and

7 (I) has never been under a final adminis-
8 trative or judicial order of exclusion, deporta-
9 tion, or removal, unless the alien—

10 (i) has remained in the United States
11 under color of law after such final order
12 was issued; or

13 (ii) received the final order before at-
14 taining 18 years of age.

15 (2) WAIVER.—

16 (A) IN GENERAL.—The Secretary may
17 waive, on a case-by-case basis, a ground of in-
18 admissibility under paragraph (1), (4), (6)(B),
19 or (6)(E) of section 212(a) of the Immigration
20 and Nationality Act (8 U.S.C. 1182(a)), and a
21 ground of deportability under paragraph (A),
22 (B), (C), or (E) of section 237(a)(1) of such
23 Act (8 U.S.C. 1227(a)(1)) for humanitarian
24 purposes or if such waiver is otherwise in the
25 public interest.

1 (B) QUARTERLY REPORT.—Not later than
2 180 days after the date of the enactment of this
3 Act, and quarterly thereafter, the Secretary
4 shall submit a report to Congress that identi-
5 fies—

6 (i) the number of waivers under this
7 paragraph that were requested by aliens
8 during the preceding quarter;

9 (ii) the number of such requests that
10 were granted; and

11 (iii) the number of such requests that
12 were denied.

13 (3) PROCEDURES.—

14 (A) APPLICATION FOR AFFIRMATIVE RE-
15 LIEF.—The Secretary shall issue regulations
16 that provide a procedure for eligible individuals
17 to affirmatively apply for the relief available
18 under this subsection without being placed in
19 removal proceedings.

20 (B) ACKNOWLEDGMENT TO BARS TO RE-
21 LIEF.—

22 (i) ACKNOWLEDGMENT OF NOTIFICA-
23 TION.—The regulations issued pursuant to
24 subparagraph (A) shall include a require-
25 ment that each alien applying for condi-

1 tional permanent resident status under this
2 Act who is at least 18 years of age sign,
3 under penalty of perjury, an acknowledgment
4 confirming that the alien was notified
5 and understands that he or she will be in-
6 eligible for any form of relief or immigra-
7 tion benefit under this Act or other immi-
8 gration laws other than withholding of re-
9 moval under section 241(b)(3), or relief
10 from removal based on a claim under the
11 Convention Against Torture and Other
12 Cruel, Inhuman or Degrading Treatment
13 or Punishment, done at New York, Decem-
14 ber 10, 1984, if the alien violates a term
15 for conditional permanent resident status
16 under this Act.

17 (ii) EXCEPTION.—Notwithstanding an
18 acknowledgment under clause (ii), the Sec-
19 retary may allow an alien who violated the
20 terms of conditional permanent resident
21 status (other than a criminal alien or an
22 alien deemed to be a national security or
23 public safety risk) to seek relief from re-
24 moval if the Secretary determines that
25 such relief is warranted for humanitarian

1 purposes or if otherwise in the public inter-
2 est.

3 (iii) JUDICIAL REVIEW.—Notwith-
4 standing any other provision of law (statu-
5 tory or nonstatutory), including section
6 2241 of title 28, United States Code, any
7 other habeas corpus provision, and sections
8 1361 and 1651 of such title, no court shall
9 have jurisdiction to review a determination
10 by the Secretary under clause (iii).

11 (4) SUBMISSION OF BIOMETRIC AND BIO-
12 GRAPHIC DATA.—The Secretary may not cancel the
13 removal of an alien or grant conditional permanent
14 resident status to the alien under this Act unless the
15 alien submits biometric and biographic data, in ac-
16 cordance with procedures established by the Sec-
17 retary. The Secretary shall provide an alternative
18 procedure for applicants who are unable to provide
19 such biometric or biographic data because of a phys-
20 ical disability or impairment.

21 (5) BACKGROUND CHECKS.—

22 (A) REQUIREMENT FOR BACKGROUND
23 CHECKS.—The Secretary shall utilize biometric,
24 biographic, and other data that the Secretary

1 determines is appropriate, including information
2 obtained pursuant to subparagraph (C)—

3 (i) to conduct security and law en-
4 forcement background checks of an alien
5 seeking relief under this subsection; and

6 (ii) to determine whether there is any
7 criminal, national security, or other factor
8 that would render the alien ineligible for
9 such relief.

10 (B) COMPLETION OF BACKGROUND
11 CHECKS.—The security and law enforcement
12 background checks required under subpara-
13 graph (A) shall be completed, to the satisfaction
14 of the Secretary, before the date on which the
15 Secretary cancels the removal of the alien under
16 this Act.

17 (C) CRIMINAL RECORD REQUESTS.—The
18 Secretary, in cooperation with the Secretary of
19 State, shall seek to obtain information about
20 any criminal activity the alien engaged in, or
21 for which the alien was convicted in his or her
22 country of nationality, country of citizenship, or
23 country of last habitual residence, from
24 INTERPOL, EUROPOL, or any other inter-
25 national or national law enforcement agency of

1 the alien's country of nationality, country of
2 citizenship, or country of last habitual resi-
3 dence.

4 (6) MEDICAL EXAMINATION.—An alien applying
5 for relief available under this subsection shall under-
6 go a medical examination conducted by a designated
7 civil surgeon pursuant to procedures established by
8 the Secretary.

9 (7) MILITARY SELECTIVE SERVICE.—An alien
10 applying for relief available under this subsection
11 shall establish that the alien has registered for the
12 Selective Service under the Military Selective Service
13 Act (50 U.S.C. App. 451 et seq.) if the alien is sub-
14 ject to such registration requirement under such
15 Act.

16 (8) TREATMENT OF EXPUNGED CONVIC-
17 TIONS.—

18 (A) IN GENERAL.—The Secretary shall
19 evaluate expunged convictions on a case-by-case
20 basis according to the nature and severity of
21 the offense to determine whether, under the
22 particular circumstances, an alien may be eligi-
23 ble for—

24 (i) conditional permanent resident sta-
25 tus under this Act;

1 (ii) removal of the conditional basis of
2 the permanent resident status under sec-
3 tion 5; or

4 (iii) adjustment to permanent resident
5 status under this Act.

6 (B) JUDICIAL REVIEW.—Notwithstanding
7 any other provision of law (statutory or non-
8 statutory), including section 2241 of title 28,
9 United States Code, any other habeas corpus
10 provision, and sections 1361 and 1651 of such
11 title, no court shall have jurisdiction to review
12 a determination by the Secretary under sub-
13 paragraph (A).

14 (b) TERMINATION OF CONTINUOUS PERIOD.—For
15 purposes of this section, any period of continuous resi-
16 dence or continuous physical presence in the United States
17 of an alien who applies for cancellation of removal under
18 subsection (a) shall not terminate when the alien is served
19 a notice to appear under section 239(a) of the Immigra-
20 tion and Nationality Act (8 U.S.C. 1229(a)).

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

23 (1) IN GENERAL.—Excepted as provided in
24 paragraph (2), an alien shall be considered to have
25 failed to maintain continuous physical presence in

1 the United States under subsection (a)(1)(A) if the
2 alien has departed from the United States for—

3 (A) any period exceeding 90 days; or

4 (B) any periods exceeding 180 days, in the
5 aggregate, during a 5-year period.

6 (2) EXTENSIONS FOR EXCEPTIONAL CIR-
7 CUMSTANCES.—The Secretary may extend the peri-
8 ods described in paragraph (1) by 90 days if the
9 alien demonstrates that the failure to timely return
10 to the United States was due to exceptional cir-
11 cumstances. The exceptional circumstances deter-
12 mined sufficient to justify an extension should be
13 not less compelling than the serious illness of the
14 alien, or the death or serious illness of the alien's
15 parent, grandparent, sibling, or child.

16 (3) EXCEPTION FOR MILITARY SERVICE.—Any
17 time spent outside of the United States that is due
18 to the alien's active service in the Armed Forces of
19 the United States shall not be counted towards the
20 time limits set forth in paragraph (1).

21 (d) RULEMAKING.—

22 (1) INITIAL PUBLICATION.—Not later than 180
23 days after the date of the enactment of this Act, the
24 Secretary shall publish regulations implementing this
25 section.

1 (2) INTERIM REGULATIONS.—Notwithstanding
 2 section 553 of title 5, United States Code, the regu-
 3 lations required under paragraph (1) shall be effec-
 4 tive, on an interim basis, immediately upon publica-
 5 tion but may be subject to change and revision after
 6 public notice and opportunity for a period of public
 7 comment.

8 (3) FINAL REGULATIONS.—Within a reasonable
 9 time after publication of the interim regulations
 10 under paragraph (1), the Secretary shall publish
 11 final regulations implementing this section.

12 (e) REMOVAL OF ALIEN.—The Secretary may not
 13 seek to remove an alien who establishes prima facie eligi-
 14 bility for cancellation of removal and conditional perma-
 15 nent resident status under this Act until the alien has been
 16 provided with a reasonable opportunity to file an applica-
 17 tion for conditional permanent resident status under this
 18 Act.

19 **SEC. 4. CONDITIONAL PERMANENT RESIDENT STATUS.**

20 (a) INITIAL LENGTH OF STATUS.—Conditional per-
 21 manent resident status granted to an alien under this Act
 22 shall be valid—

23 (1) for an initial period of 5 years, subject to
 24 termination under subsection (c), if applicable; and

1 (2) if the alien will not attain 18 years of age
2 before the end of the period described in paragraph
3 (1), until the alien reaches 18 years of age.

4 (b) TERMS OF CONDITIONAL PERMANENT RESIDENT
5 STATUS.—

6 (1) EMPLOYMENT.—A conditional permanent
7 resident may—

8 (A) be employed in the United States inci-
9 dent to conditional permanent resident status
10 under this Act; and

11 (B) enlist in the Armed Forces of the
12 United States in accordance with section
13 504(b)(1)(D) of title 10, United States Code,
14 as added by section 13.

15 (2) TRAVEL.—A conditional permanent resident
16 may travel outside the United States and may be ad-
17 mitted (if otherwise admissible) upon returning to
18 the United States without having to obtain a visa
19 if—

20 (A) the alien is the bearer of valid, unex-
21 pired documentary evidence of conditional per-
22 manent resident status under this Act; and

23 (B) the alien's absence from the United
24 States—

- 1 (i) was not for a period of 180 days
2 or longer, or for multiple periods exceeding
3 180 days in the aggregate; or
4 (ii) was due to active service in the
5 Armed Forces of the United States.

6 (c) TERMINATION OF STATUS.—

7 (1) IN GENERAL.—The Secretary shall imme-
8 diately terminate the conditional permanent resident
9 status under this Act of any alien who—

10 (A) is 18 years of age or older if the Sec-
11 retary determines that the alien is a postsec-
12 ondary student who was admitted to an accred-
13 ited institution of higher education in the
14 United States, but failed to enroll in such insti-
15 tution within 1 year after the date on which the
16 alien was granted conditional permanent resi-
17 dent status under this Act or to remain so en-
18 rolled;

19 (B) is younger than 18 years of age if the
20 Secretary determines that the alien enrolled in
21 a primary or secondary school as a full-time
22 student, but has failed to attend such school for
23 a period exceeding 1 year during the 5-year pe-
24 riod beginning on the date on which the alien

1 was granted conditional permanent resident sta-
2 tus under this Act;

3 (C) was granted conditional permanent
4 resident status under this Act as an enlistee
5 and—

6 (i) failed to complete basic training
7 and begin active duty service or service in
8 Selected Ready Reserve of the Ready Re-
9 serve of the Armed Forces of the United
10 States within 1 year after the date on
11 which the alien was granted conditional
12 permanent resident status under this Act;
13 or

14 (ii) has received a dishonorable or
15 other than honorable discharge from the
16 Armed Forces of the United States;

17 (D) was granted conditional permanent
18 resident status under this Act as a result of
19 fraud or misrepresentation;

20 (E) ceases to meet a requirement under
21 subparagraph (F), (G), (H), or (I) of section
22 3(a)(1);

23 (F) violated a term or condition of his or
24 her conditional resident status;

25 (G) has become a public charge;

1 (H) has not maintained employment in the
2 United States for a period of at least 1 year
3 since the alien was granted conditional perma-
4 nent resident status under this Act and while
5 the alien was not enrolled as a student in a
6 postsecondary school or institution of higher
7 education or serving in the Armed Forces of the
8 United States; or

9 (I) has not completed a combination of em-
10 ployment, military service, or postsecondary
11 school totaling 48 months during the 5-year pe-
12 riod beginning on the date on which the alien
13 was granted conditional permanent resident sta-
14 tus under this Act.

15 (2) EXPEDITED REMOVAL FOR VIOLATING CON-
16 DITIONAL PERMANENT RESIDENT STATUS.—Any
17 alien whose conditional permanent resident status is
18 terminated pursuant to paragraph (1)(E) for failure
19 to meet a requirement described in section
20 3(a)(1)(H)(iv) shall be subject to expedited removal.

21 (3) RETURN TO PREVIOUS IMMIGRATION STA-
22 TUS.—Any alien whose conditional permanent resi-
23 dent status under this Act is terminated under para-
24 graph (1) shall return to the immigration status the

1 alien had immediately before receiving conditional
2 permanent resident status under this Act.

3 (d) EXTENSION OF CONDITIONAL PERMANENT RESI-
4 DENT STATUS.—The Secretary shall extend the condi-
5 tional permanent resident status of an alien granted such
6 status under this Act for an additional 5 years beyond
7 the period specified in subsection (a) if the alien—

8 (1) has demonstrated good moral character dur-
9 ing the entire period the alien has been a conditional
10 permanent resident under this Act;

11 (2) is in compliance with section 3(a)(1);

12 (3) has not abandoned the alien's residence in
13 the United States by being absent from the United
14 States for a period of 180 days, or multiple periods
15 of at least 180 days, in the aggregate, during the pe-
16 riod of conditional permanent resident status under
17 this Act;

18 (4) does not have any delinquent tax liabilities;

19 (5) has not received any Federal public benefit;

20 and

21 (6) while the alien has been a conditional per-
22 manent resident under this Act—

23 (A) has graduated from an accredited in-
24 stitution of higher education in the United
25 States;

1 (B) has attended a postsecondary school
2 for not less than 8 semesters;

3 (C)(i) has served as a member of a regular
4 or reserve component of the Armed Forces of
5 the United States in an active duty status for
6 at least 3 years; and

7 (ii) if discharged from such service, re-
8 ceived an honorable discharge; or

9 (D) has attended a postsecondary school,
10 served in the Armed Forces of the United
11 States, or maintained employment in the
12 United States for a cumulative total of not less
13 than 48 months.

14 **SEC. 5. REMOVAL OF CONDITIONAL BASIS FOR PERMA-**
15 **NENT RESIDENCE.**

16 (a) IN GENERAL.—An alien who has been a condi-
17 tional permanent resident under this Act for at least 10
18 years may file an application with the Secretary, in ac-
19 cordance with subsection (c), to remove the conditional
20 basis on permanent residence and to have the alien's sta-
21 tus adjusted to that of an alien lawfully admitted for per-
22 manent residence. The application shall include the re-
23 quired fee and shall be filed in accordance with the proce-
24 dures established by the Secretary.

1 (b) ADJUDICATION OF APPLICATION FOR ADJUST-
2 MENT OF STATUS.—

3 (1) ADJUSTMENT OF STATUS IF FAVORABLE
4 DETERMINATION.—If the Secretary determines that
5 an alien who filed an application under subsection
6 (a) meets the requirements described in subsection
7 (d), the Secretary shall—

8 (A) notify the alien of such determination;
9 and

10 (B) adjust the alien's status to that of an
11 alien lawfully admitted for permanent residence.

12 (2) TERMINATION IF ADVERSE DETERMINA-
13 TION.—If the Secretary determines that an alien
14 who files an application under subsection (a) does
15 not meet the requirements described in subsection
16 (d), the Secretary shall—

17 (A) notify the alien of such determination;
18 and

19 (B) terminate the conditional permanent
20 resident status of the alien.

21 (c) TIME TO FILE APPLICATION.—

22 (1) IN GENERAL.—Applications for adjustment
23 of status described in subsection (a) shall be filed
24 during the period—

1 (A) beginning 180 days before the expira-
2 tion of the 10-year period of conditional perma-
3 nent resident status under this Act; and

4 (B) ending—

5 (i) 10 years after the date on which
6 conditional permanent resident status was
7 initially granted to the alien under this
8 Act; or

9 (ii) after the conditional basis on such
10 status has been removed.

11 (2) STATUS DURING PENDENCY.—An alien
12 shall be deemed to be in conditional permanent resi-
13 dent status in the United States during the period
14 in which an application filed by the alien under sub-
15 section (a) is pending.

16 (d) CONTENTS OF APPLICATION.—

17 (1) IN GENERAL.—Each application filed by an
18 alien under subsection (a) shall contain information
19 to permit the Secretary to determine whether the
20 alien—

21 (A) has been a conditional permanent resi-
22 dent under this Act for at least 10 years;

23 (B) has demonstrated good moral char-
24 acter during the entire period the alien has

1 been a conditional permanent resident under
2 this Act;

3 (C) is in compliance with section 3(a)(1);
4 and

5 (D) has not abandoned the alien's resi-
6 dence in the United States.

7 (2) PRESUMPTIONS.—For purposes of para-
8 graph (1)—

9 (A) the Secretary shall presume that an
10 alien has abandoned the alien's residence in the
11 United States if the alien is absent from the
12 United States for more than 365 days, in the
13 aggregate, during the period of conditional per-
14 manent resident status under this Act, unless
15 the alien demonstrates that the alien has not
16 abandoned the alien's residence; and

17 (B) an alien who is absent from the United
18 States due to active service in the Armed
19 Forces of the United States has not abandoned
20 the alien's residence in the United States dur-
21 ing the period of such service.

22 (e) CITIZENSHIP REQUIREMENT.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), an alien granted conditional permanent
25 resident status under this Act may not have the con-

1 ditional basis for permanent residency removed or be
2 adjusted to permanent resident status unless the
3 alien demonstrates to the satisfaction of the Sec-
4 retary that the alien satisfies the requirements under
5 section 312(a)(1) of the Immigration and Nation-
6 ality Act (8 U.S.C. 1423(a)(1)).

7 (2) EXCEPTION.—Paragraph (1) shall not
8 apply to an alien who the Secretary determines is
9 unable because of a physical or developmental dis-
10 ability or mental impairment to meet the require-
11 ments of such paragraph. The Secretary, in coordi-
12 nation with the Secretary of Health and Human
13 Services and the Surgeon General, shall establish
14 procedures for making determinations under this
15 subsection.

16 (f) PAYMENT OF FEDERAL TAXES.—Not later than
17 the date on which an application is filed under subsection
18 (a) for adjustment of status, the alien shall satisfy any
19 applicable Federal tax liability due and owing on such
20 date.

21 (g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
22 DATA.—The Secretary may not adjust the status of an
23 alien under this section unless the alien submits biometric
24 and biographic data, in accordance with procedures estab-
25 lished by the Secretary. The Secretary shall provide an

1 alternative procedure for applicants who are unable to pro-
2 vide such biometric or biographic data because of a phys-
3 ical disability or impairment.

4 (h) BACKGROUND CHECKS.—

5 (1) REQUIREMENT FOR BACKGROUND
6 CHECKS.—The Secretary shall utilize biometric, bio-
7 graphic, and other data that the Secretary deter-
8 mines appropriate—

9 (A) to conduct security and law enforce-
10 ment background checks of an alien applying
11 for adjustment of status under this section; and

12 (B) to determine whether there is any
13 criminal, national security, or other factor that
14 would render the alien ineligible for such ad-
15 justment of status.

16 (2) COMPLETION OF BACKGROUND CHECKS.—

17 The security and law enforcement background
18 checks required under paragraph (1) shall be com-
19 pleted with respect to an alien, to the satisfaction of
20 the Secretary, before the date on which the Sec-
21 retary grants adjustment of status to such alien.

22 (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

23 Nothing in this section or in any other law may be con-
24 strued to apply a numerical limitation on the number of

1 aliens who may be eligible for adjustment of status under
2 this section.

3 (j) TREATMENT OF ALIENS MEETING REQUIRE-
4 MENTS FOR EXTENSION OF CONDITIONAL PERMANENT
5 RESIDENT STATUS.—If an alien has satisfied all of the
6 requirements under section 3(a)(1) as of the date of the
7 enactment of this Act, the Secretary may cancel the re-
8 moval of the alien and permit the alien to apply for condi-
9 tional permanent resident status under this Act. After the
10 initial period of conditional permanent resident status de-
11 scribed in section 4(a), the Secretary shall extend such
12 alien’s conditional permanent resident status and permit
13 the alien to apply for adjustment of status in accordance
14 with subsection (a) if the alien has met the requirements
15 under section 4(d) during the entire period of conditional
16 permanent resident status under this Act.

17 **SEC. 6. LIMITATION ON PAROLE AUTHORITY.**

18 Section 212(d)(5) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(d)(5)) is amended—

20 (a) by striking “Attorney General” each place such
21 term appears and inserting “Secretary of Homeland Secu-
22 rity”; and

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

24 “(C)(i) The Secretary of Homeland Security may not
25 use the authority under subparagraph (A) to parole gener-

1 alized categories of aliens or classes of aliens based solely
 2 on—

3 “(I) nationality;

4 “(II) presence or residence in the United
 5 States;

6 “(III) family relationships; or

7 “(IV) any other criteria that would cover a
 8 broad group of foreign nationals, whether inside or
 9 outside of the United States.

10 “(ii)(I) In this clause, the term ‘advance parole’
 11 means advance approval for an alien applying for admis-
 12 sion to the United States to request at a port of entry
 13 in the United States, a preinspection station, or a des-
 14 ignated field office of the Department of Homeland Secu-
 15 rity, to be paroled into the United States under subpara-
 16 graph (A).

17 “(II) The Secretary of Homeland Security, in the
 18 Secretary’s discretion, may grant an application for ad-
 19 vance parole. Approval of an application for advance pa-
 20 role shall not constitute a grant of parole under subpara-
 21 graph (A). A grant of parole into the United States based
 22 on an approved application for advance parole shall not
 23 be considered parole for purposes of qualifying for adjust-
 24 ment of status to lawful permanent resident status in the
 25 United States under section 245 or 245A.

1 “(III) The Secretary, in the Secretary’s discretion,
 2 may revoke a grant of advance parole to an alien at any
 3 time. Such revocation shall not be subject to administra-
 4 tive appeal or judicial review.”.

5 **SEC. 7. FAILURE TO COMPLY WITH STATUS REQUIRE-**
 6 **MENTS; VISA OVERSTAYS.**

7 (a) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—
 8 Section 217(b) of the Immigration and Nationality Act (8
 9 U.S.C. 1187(b)) is amended to read as follows:

10 “(b) WAIVER OF RIGHTS.—An alien may not be pro-
 11 vided a waiver under the program unless the alien—

12 “(1) has signed, under penalty of perjury, an
 13 acknowledgment confirming that the alien has been
 14 notified and understands that he or she will be ineli-
 15 gible for any right to relief under sections 240B,
 16 245, 248, and 249 (other than relief from removal
 17 under section 241(b)(3)) and any relief not in effect
 18 at the time such acknowledgment is signed, if the
 19 alien fails to depart from the United States at the
 20 end of the 90-day period for admission;

21 “(2) has waived any right to review or appeal
 22 under this Act of an immigration officer’s deter-
 23 mination regarding the admissibility of the alien at
 24 a port of entry into the United States; and

1 “(3) has waived any right to contest, other than
 2 on the basis of an application for asylum, any action
 3 for removal of the alien.”.

4 (b) ISSUANCE OF NONIMMIGRANT VISAS.—Section
 5 221(a) of the Immigration and Nationality Act (8 U.S.C.
 6 1201(a)) is amended by adding at the end the following:

7 “(3) The Secretary of State shall ensure that
 8 every application for a nonimmigrant visa includes
 9 an acknowledgment confirming that the alien—

10 “(A) has been notified of the terms and
 11 conditions of the nonimmigrant visa, including
 12 the waiver of rights under subsection (j); and

13 “(B) understands that he or she will be in-
 14 eligible for any right to relief under sections
 15 240B, 245, 248, and 249, any relief not in ef-
 16 fect at the time such acknowledgment is signed,
 17 and from contesting removal, if the alien vio-
 18 lates any term or condition of his or her non-
 19 immigrant visa.”.

20 (c) BARS TO IMMIGRATION RELIEF.—Section 221 of
 21 the Immigration and Nationality Act (8 U.S.C. 1201) is
 22 amended by adding at the end the following:

23 “(j) WAIVER OF RIGHTS.—The Secretary of State
 24 may not issue a nonimmigrant visa under section 214 to
 25 an alien (other than an alien who qualifies for a visa under

1 subparagraph (A) or (G) of such section 101(a)(15), is
 2 a VAWA self-petitioner, or qualifies for a visa under the
 3 North Atlantic Treaty, signed at Washington April 4,
 4 1949) until the alien has waived any right to relief under
 5 sections 240B, 245, 248, and 249 (other than relief from
 6 removal under section 241(b)(3)), any form of relief estab-
 7 lished after the date on which the nonimmigrant visa is
 8 issued, and from contesting removal if the alien—

9 “(1) violates a term or condition of his or her
 10 nonimmigrant status; or

11 “(2) fails to depart the United States at the
 12 end of the alien’s authorized period of stay.”.

13 **SEC. 8. BENEFITS FOR RELATIVES OF ALIENS GRANTED**
 14 **CONDITIONAL PERMANENT RESIDENT STA-**
 15 **TUS.**

16 Notwithstanding any other provision of law, nothing
 17 in this Act may be construed to provide a spouse, parent,
 18 child, or other family member of an alien granted condi-
 19 tional permanent resident status or lawful permanent resi-
 20 dent status under this Act with any immigration benefit
 21 or special consideration for such relatives to be admitted
 22 into or remain in the United States.

23 **SEC. 9. EXCLUSIVE JURISDICTION.**

24 (a) SECRETARY OF HOMELAND SECURITY.—Except
 25 as provided in subsection (b), the Secretary shall have ex-

1 exclusive jurisdiction to determine eligibility for relief under
2 this Act. If a final order of deportation, exclusion, or re-
3 moval is entered, the Secretary shall resume all powers
4 and duties delegated to the Secretary under this Act. If
5 a final order is entered before relief is granted under this
6 Act, the Attorney General shall terminate such order only
7 after the alien has been granted conditional permanent
8 resident status under this Act.

9 (b) ATTORNEY GENERAL.—The Attorney General
10 shall have exclusive jurisdiction to determine eligibility for
11 relief under this Act for any alien who has been placed
12 into deportation, exclusion, or removal proceedings, wheth-
13 er such placement occurred before or after the alien filed
14 an application for cancellation of removal and conditional
15 permanent resident status or adjustment of status under
16 this Act. Such exclusive jurisdiction shall continue until
17 such proceedings are terminated.

18 **SEC. 10. CONFIDENTIALITY OF INFORMATION.**

19 (a) PROHIBITION.—Except as provided in subsection
20 (b), an officer or employee of the United States may not—
21 (1) use the information provided by an indi-
22 vidual pursuant to an application filed under this
23 Act to initiate removal proceedings against any per-
24 son identified in the application;

1 (2) make any publication whereby the informa-
2 tion provided by any particular individual pursuant
3 to an application under this Act can be identified; or

4 (3) permit anyone other than an officer or em-
5 ployee of the United States Government to examine
6 such application filed under this Act.

7 (b) REQUIRED DISCLOSURE.—The Attorney General
8 or the Secretary shall disclose the information provided
9 by an individual under this Act and any other information
10 derived from such information to—

11 (1) a Federal, State, tribal, or local law enforce-
12 ment agency, intelligence agency, national security
13 agency, component of the Department of Homeland
14 Security, court, or grand jury in connection with a
15 criminal investigation or prosecution, a background
16 check conducted pursuant to the Brady Handgun
17 Violence Protection Act (Public Law 103–159; 107
18 Stat. 1536) or an amendment made by that Act, or
19 for homeland security or national security purposes,
20 if such information is requested by such entity or
21 consistent with an information sharing agreement or
22 mechanism; or

23 (2) an official coroner for purposes of affirma-
24 tively identifying a deceased individual (whether or

1 not such individual is deceased as a result of a
2 crime).

3 (c) FRAUD IN APPLICATION PROCESS OR CRIMINAL
4 CONDUCT.—Nothing in this section may be construed to
5 prevent the disclosure and use of information provided by
6 an alien under this Act to determine whether an alien
7 seeking relief under this Act has engaged in fraud in an
8 application for such relief or at any time committed a
9 crime from being used or released for immigration en-
10 forcement, law enforcement, or national security purposes.

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

14 **SEC. 11. RESTRICTION ON WELFARE BENEFITS FOR CONDI-**
15 **TIONAL PERMANENT RESIDENTS.**

16 For purposes of the 5-year eligibility waiting period
17 under section 403 of the Personal Responsibility and
18 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
19 1613), an individual who has met the requirements under
20 section 5 for adjustment from conditional permanent resi-
21 dent status to lawful permanent resident status shall be
22 considered, as of the date of such adjustment, to have
23 completed the 5-year period specified in such section.

1 **SEC. 12. GAO REPORT.**

2 Not later than 7 years after the date of the enact-
3 ment of this Act, the Comptroller General of the United
4 States shall submit a report to the Committee on the Judi-
5 ciary of the Senate and the Committee on the Judiciary
6 of the House of Representatives that sets forth—

7 (1) the number of aliens who were eligible for
8 cancellation of removal and grant of conditional per-
9 manent resident status under section 3(a);

10 (2) the number of aliens who applied for can-
11 cellation of removal and grant of conditional perma-
12 nent resident status under section 3(a);

13 (3) the number of aliens who were granted con-
14 ditional permanent resident status under section
15 3(a); and

16 (4) the number of aliens whose status was ad-
17 justed to that of an alien lawfully admitted for per-
18 manent residence pursuant to section 5.

19 **SEC. 13. MILITARY ENLISTMENT.**

20 Section 504(b)(1) of title 10, United States Code, is
21 amended by adding at the end the following:

22 “(D) An alien who is a conditional permanent
23 resident (as defined in section 2 of the SUCCEED
24 Act).”.

1 **SEC. 14. ELIGIBILITY FOR NATURALIZATION.**

2 Notwithstanding sections 319(b), 328, and 329 of the
3 Immigration and Nationality Act (8 U.S.C. 1430(b),
4 1439, and 1440), an alien whose status is adjusted under
5 section 5 to that of an alien lawfully admitted for perma-
6 nent residence may apply for naturalization under chapter
7 2 of title III of the Immigration and Nationality Act (8
8 U.S.C. 310 et seq.) not earlier than 5 years after such
9 adjustment of status.

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