

117TH CONGRESS  
1ST SESSION

S. \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. VAN HOLLEN (for himself, Mrs. FEINSTEIN, Mr. CARDIN, Mr. SCHUMER, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. MARKEY, Ms. CORTEZ MASTO, Ms. SMITH, Mrs. GILLIBRAND, Mr. DURBIN, Ms. WARREN, Ms. ROSEN, Mr. WARNER, Mr. PADILLA, Mr. SANDERS, Mr. WYDEN, Mr. WHITEHOUSE, Mr. KAINES, Mrs. MURRAY, Mr. BOOKER, Ms. DUCKWORTH, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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A BILL

To provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified 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) ADJUSTMENT OF STATUS.—****4 (1) AUTHORIZATION.—**

5 (A) IN GENERAL.—Notwithstanding section  
6 245(c) of the Immigration and Nationality  
7 Act (8 U.S.C. 1255(c)), the status of any alien  
8 described in subsection (b)(1) shall be adjusted  
9 by the Secretary of Homeland Security to that  
10 of an alien lawfully admitted for permanent res-  
11 idence if the alien—

12 (i) is not inadmissible under para-  
13 graph (2) or (3) of section 212(a) of such  
14 Act (8 U.S.C. 1182(a));

15 (ii) is not deportable under paragraph  
16 (2), (3), or (4) of section 237(a) of such  
17 Act (8 U.S.C. 1227(a)); and

18 (iii) is not described in section  
19 208(b)(2)(A)(i) of such Act (8 U.S.C.  
20 1158(b)(2)(A)(i)).

21 (B) TREATMENT OF EXPUNGED CONVIC-  
22 TIONS.—For purposes of this Act, the term  
23 “conviction” does not include a judgment that  
24 has been expunged or set aside that resulted in  
25 a rehabilitative disposition or the equivalent.

26 (2) APPLICATION.—

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

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

17                             (C) FEE.—

18                             (i) IN GENERAL.—The Secretary of  
19                             Homeland Security shall require any alien  
20                             applying for permanent resident status  
21                             under this section to pay a reasonable fee  
22                             that is commensurate with the cost of  
23                             processing the application. Such fee may  
24                             not exceed \$1,140.

(I) is younger than 18 years of age;

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

(III) is in foster care or otherwise lacking any parental or other familial support; or

16 (IV) cannot care for himself or  
17 herself because of a serious, chronic  
18 disability.

19 (D) RELATIONSHIP OF APPLICATION TO  
20 CERTAIN ORDERS.—

1                         approving an application under such sub-  
2                         paragraph, to file a motion to reopen, re-  
3                         consider, or vacate such order.

19 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
20 TUS.—

21                   (1) IN GENERAL.—An alien is described in this  
22                   subsection if the alien—

(A) is a national of a foreign state that  
was at any time designated under section

1           244(b) of the Immigration and Nationality Act  
2           (8 U.S.C. 1254a(b));

3                 (B)(i) is in temporary protected status  
4                 under section 244 of the Immigration and Na-  
5                 tionality Act (8 U.S.C. 1254a);

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 September 28,  
16                 2016;

17                 (C)(i) has been continuously present in the  
18                 United States for not less than 3 years and is  
19                 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 after  
23                 September 28, 2016, was removed from the  
24                 United States or departed pursuant to an order  
25                 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 the Immigration and Nationality  
15                 Act (8 U.S.C. 1101 et seq.), an alien who fails to  
16                 meet the continuous physical presence requirement  
17                 under paragraph (1)(C) shall be considered eligible  
18                 for adjustment of status under this section if the At-  
19                 torney General or the Secretary of Homeland Secu-  
20                 rity, as applicable, determines that the removal or  
21                 continued absence of the alien from the United  
22                 States, as applicable, would result in extreme hard-  
23                 ship to the alien or to the alien's spouse, children,  
24                 parents, or domestic partner.

25                 (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 pro-  
18       vision of the Immigration and Nationality Act  
19       (8 U.S.C. 1101 et seq.), the Secretary of Home-  
20       land Security may not order any alien to be re-  
21       moved from the United States if the alien  
22       raises, as a defense to such an order, the eligi-  
23       bility of the alien to apply for adjustment of  
24       status under subsection (a).

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

**16 (d) ADVANCE PAROLE.—**

1 shall not apply to an alien granted advance parole  
2 under this subsection.

3 (e) ADJUSTMENT OF STATUS FOR SPOUSES AND  
4 CHILDREN.—

5 (1) IN GENERAL.—Notwithstanding section  
6 245(c) of the Immigration and Nationality Act (8  
7 U.S.C. 1255(c)) and except as provided in para-  
8 graphs (2) and (3), the Secretary of Homeland Se-  
9 curity shall adjust the status of an alien to that of  
10 an alien lawfully admitted for permanent residence  
11 if the alien—

12 (A) is the spouse, domestic partner, child,  
13 or unmarried son or daughter of an alien whose  
14 status has been adjusted to that of an alien  
15 lawfully admitted for permanent residence  
16 under subsection (a);

17 (B) is physically present in the United  
18 States on the date on which the alien files an  
19 application for such adjustment of status; and

20 (C) is otherwise eligible to receive an immi-  
21 grant visa and is otherwise admissible to the  
22 United States for permanent residence.

23 (2) CONTINUOUS PRESENCE REQUIREMENT.—

24 (A) IN GENERAL.—The status of an un-  
25 married son or daughter referred to in para-

1           graph (1)(A) may not be adjusted under para-  
2           graph (1) until such son or daughter establishes  
3           that he or she has been physically present in  
4           the United States for at least 1 year.

5           (B) SHORT ABSENCES.—An alien shall not  
6           be considered to have failed to maintain contin-  
7           uous physical presence in the United States  
8           under subparagraph (A) by reason of an ab-  
9           sence, or multiple absences, from the United  
10           States for any period or periods that do not ex-  
11           ceed, in the aggregate, 180 days.

12           (3) WAIVER.—In determining eligibility and ad-  
13           missibility under paragraph (1)(C), the grounds for  
14           inadmissibility under paragraphs (4), (5), (6),  
15           (7)(A), and (9) of section 212(a) of the Immigration  
16           and Nationality Act (8 U.S.C. 1182(a)) shall not  
17           apply.

18           (f) CLARIFICATION OF INSPECTION AND ADMISSION  
19           UNDER TEMPORARY PROTECTED STATUS.—Section  
20           244(f)(4) of the Immigration and Nationality Act (8  
21           U.S.C. 1254a(f)(4)) is amended by inserting “as having  
22           been inspected and admitted into the United States, and”  
23           after “considered”.

24           (g) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
25           The Secretary of Homeland Security shall provide appli-

1     cants for adjustment of status under subsection (a) the  
2     same right to, and procedures for, administrative review  
3     as are provided to—

4                 (1) applicants for adjustment of status under  
5     section 245 of the Immigration and Nationality Act  
6     (8 U.S.C. 1255); or

7                 (2) aliens who are subject to removal pro-  
8     ceedings under section 240 of such Act (8 U.S.C.  
9     1229a).

10         (h) EXCEPTIONS TO NUMERICAL LIMITATIONS.—  
11     The numerical limitations set forth in sections 201 and  
12     202 of the Immigration and Nationality Act (8 U.S.C.  
13     1151 and 1152) shall not apply to aliens whose status is  
14     adjusted pursuant to subsection (a).

15     **SEC. 3. CONFIDENTIALITY OF INFORMATION.**

16         (a) IN GENERAL.—The Secretary of Homeland Secu-  
17     rity may not disclose or use information provided in appli-  
18     cations filed under section 2 for the purpose of immigra-  
19     tion enforcement.

20         (b) REFERRALS PROHIBITED.—The Secretary may  
21     not refer any individual who has been granted permanent  
22     resident status under section 2 to U.S. Immigration and  
23     Customs Enforcement, U.S. Customs and Border Protec-  
24     tion, or any designee of either such entity.

1       (c) LIMITED EXCEPTION.—Notwithstanding sub-  
2 sections (a) and (b), information provided in an applica-  
3 tion for permanent resident status under section 2 may  
4 be shared with Federal security and law enforcement  
5 agencies—

6              (1) for assistance in the consideration of an ap-  
7 plication for permanent resident status under such  
8 section;

9              (2) to identify or prevent fraudulent claims;

10             (3) for national security purposes; or

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

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

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

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

22              (1) in subparagraph (A)—

23                  (A) by striking “Attorney General” each  
24 place such term appears and inserting “Sec-  
25 retary of Homeland Security”; and

1                             (B) by inserting “(including a rec-  
2                             ommendation from the Secretary of State that  
3                             is received by the Secretary of Homeland Secu-  
4                             rity not later than 90 days before the end of  
5                             such period of designation)” after “Govern-  
6                             ment”; and

7                             (2) in subparagraph (B)—

8                                 (A) by striking “If the Attorney General”  
9                             and inserting the following:

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

12                                 (B) in clause (i), as designated by subpara-  
13                             graph (A), by striking “Attorney General” and  
14                             inserting “Secretary”; and

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

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

1                         “(I) an explanation of the event  
2                         or events that initially prompted such  
3                         country’s designation under para-  
4                         graph (1);

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

11                         “(III) a statement indicating  
12                         whether the country has requested a  
13                         designation under paragraph (1), a  
14                         redesignation under such paragraph,  
15                         or an extension of such designation;  
16                         and

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

22                         “(aa) the country’s financial  
23                         ability to provide for its repatri-  
24                         ated citizens;

1                         “(bb) the country’s financial  
2                         ability to address the initial des-  
3                         ignation under paragraph (1)  
4                         without foreign assistance;

5                         “(cc) the country’s gross do-  
6                         mestic product and per capita  
7                         gross domestic product per cap-  
8                         ita;

9                         “(dd) an analysis of the  
10                         country’s political stability and  
11                         its ability to be economically self-  
12                         sufficient without foreign assist-  
13                         ance;

14                         “(ee) the economic and so-  
15                         cial impact the repatriation of  
16                         nationals in possession of tem-  
17                         porary protected status would  
18                         have on the recipient country;  
19                         and

20                         “(ff) any additional metrics  
21                         the Secretary considers nec-  
22                         essary.”.

23 **SEC. 5. OTHER MATTERS.**

24                         (a) APPLICATION OF IMMIGRATION AND NATION-  
25                         ALITY ACT PROVISIONS.—Except as otherwise specifically

1 provided in this Act, the definitions under section 101 of  
2 the Immigration and Nationality Act (8 U.S.C. 1101)  
3 shall apply when such terms are used in this Act.

4 (b) SAVINGS PROVISION.—Nothing in this Act may  
5 be construed to repeal, amend, alter, modify, effect, or re-  
6 strict the powers, duties, functions, or authority of the  
7 Secretary of Homeland Security in the administration and  
8 enforcement of the immigration laws.

9 (c) ELIGIBILITY FOR OTHER IMMIGRATION BENE-  
10 FITS.—Any alien who is eligible to be granted the status  
11 of an alien lawfully admitted for permanent residence  
12 under section 2 may not be precluded from seeking such  
13 status under any other provision of law for which the alien  
14 may otherwise be eligible.