

115TH CONGRESS  
1ST SESSION

# H. R. 1468

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2017

Mr. CURBELO of Florida (for himself, Mr. COFFMAN, Mr. DENHAM, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. AMODEI, Mr. VALADAO, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. UPTON, and Mr. REICHERT) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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.**

4 This Act may be cited as the “Recognizing America’s  
5 Children Act”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Cancellation of removal of certain long-term residents who entered the United States as children.
- Sec. 5. Conditional permanent resident status.
- Sec. 6. Removal of conditional basis for permanent residence.
- Sec. 7. Treatment of aliens meeting requirements for extension of conditional permanent resident status.
- Sec. 8. Exclusive jurisdiction.
- Sec. 9. Confidentiality of information.
- Sec. 10. Treatment of conditional permanent residents for certain purposes.
- Sec. 11. GAO report.
- Sec. 12. Military enlistment.
- Sec. 13. Naturalization of enlistees.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **IN GENERAL.**—Except as otherwise specifi-  
 6 cally provided, a term used in this Act that is used  
 7 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 means of  
 12 satisfaction of the requirements of 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 means of satisfaction of the

1 requirements of this Act relating to enrollment in,  
2 and graduation from, an institution of higher edu-  
3 cation in the United States.

4 (4) CONDITIONAL PERMANENT RESIDENT.—

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

9 (B) DESCRIPTION.—A conditional perma-  
10 nent resident—

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

18 (ii) shall be considered to be an alien  
19 lawfully admitted for permanent residence  
20 in the United States on a conditional basis;

21 (iii) has the intention permanently to  
22 reside in the United States;

23 (iv) is not required to have a foreign  
24 residence which the alien has no intention  
25 of abandoning; and

1 (v) shall be considered inspected and  
2 admitted for the purposes of section  
3 245(a) of the Immigration and Nationality  
4 Act (8 U.S.C. 1255(a)).

5 (5) CONVICTION.—The term “conviction” does  
6 not include an adjudication or judgment of guilt that  
7 has been dismissed, expunged, deferred, annulled, in-  
8 validated, withheld, or vacated, an order of proba-  
9 tion without entry of judgment, or any similar dis-  
10 position. Section 101(a)(48)(B) of the Immigration  
11 and Nationality Act shall not apply for purposes of  
12 this Act.

13 (6) IMMIGRATION LAWS.—The term “immigra-  
14 tion laws” has the meaning given such term in sec-  
15 tion 101(a)(17) of the Immigration and Nationality  
16 Act (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 such term in section 102 of the High-  
20 er 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 “armed forces”, “active duty”, “active service”, and

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

3 **SEC. 4. 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 of Homeland Security may  
12 cancel removal of an alien who is inadmissible or de-  
13 portable from the United States or who is the child  
14 of another alien who is lawfully present in the  
15 United States with status under section  
16 101(a)(15)(E)(ii), and grant the alien conditional  
17 permanent resident status, if the alien demonstrates  
18 by a preponderance of the evidence that—

19 (A) the alien has been physically present in  
20 the United States for a continuous period since  
21 January 1, 2012;

22 (B) the alien was younger than 16 years of  
23 age on the date the alien initially entered the  
24 United States;

1 (C) the alien, if the alien is 18 years of age  
2 or older—

3 (i) has earned a high school diploma,  
4 a commensurate alternative award from a  
5 public or private high school or secondary  
6 school, obtained a general education devel-  
7 opment certificate recognized under State  
8 law, or a high school equivalency diploma  
9 in the United States;

10 (ii) the alien has been admitted to an  
11 institution of higher education in the  
12 United States; or

13 (iii) the alien has a valid work author-  
14 ization;

15 (D) the alien has been a person of good  
16 moral character (as defined in section 101(f) of  
17 the Immigration and Nationality Act (8 U.S.C.  
18 1101(f))) since the date the alien initially en-  
19 tered the United States;

20 (E) subject to paragraph (2), the alien—

21 (i) is not inadmissible under para-  
22 graph (1), (2), (3), (4), (6)(E), (8),  
23 (10)(A), (10)(C), or (10)(D) of section  
24 212(a) of the Immigration and Nationality  
25 Act (8 U.S.C. 1182(a));

1 (ii) is not deportable under paragraph  
2 (1)(E), (1)(G), (2), (4), (5), or (6) of sec-  
3 tion 237(a) of the Immigration and Na-  
4 tionality Act (8 U.S.C. 1227(a));

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

10 (iv) other than an offense under State  
11 or local law for which an essential element  
12 was the alien's immigration status, a  
13 minor traffic offense, or a violation of this  
14 Act, has not been convicted of—

15 (I) any offense under Federal or  
16 State law punishable by a maximum  
17 term of imprisonment of more than 1  
18 year; or

19 (II) any combination of offenses  
20 under Federal or State law, for which  
21 the alien was sentenced to imprison-  
22 ment for a total of more than 1 year;  
23 and

1 (F) the alien has never been under a final  
2 administrative or judicial order of exclusion, de-  
3 portation, or removal, unless the alien—

4 (i) has remained in the United States  
5 under color of law after such order was  
6 issued; or

7 (ii) received the order before attaining  
8 the age of 18 years.

9 (2) WAIVER.—With respect to any benefit  
10 under this Act, the Secretary of Homeland Security  
11 may waive subclauses (I) and (II) of subsection  
12 (a)(1)(E)(iv) of this section, the ground of inadmis-  
13 sibility under paragraph (1), (4), or (6) of section  
14 212(a) of the Immigration and Nationality Act (8  
15 U.S.C. 1182(a)), and the ground of deportability  
16 under paragraph (1) of section 237(a) of that Act  
17 (8 U.S.C. 1227(a)), for humanitarian purposes or  
18 family unity or when it is otherwise in the public in-  
19 terest.

20 (3) PROCEDURES.—The Secretary of Homeland  
21 Security shall provide a procedure by regulation al-  
22 lowing eligible individuals to apply affirmatively for  
23 the relief available under this subsection without  
24 being placed in removal proceedings.



1           (4) SUBMISSION OF BIOMETRIC AND BIO-  
2           GRAPHIC DATA.—The Secretary of Homeland Secu-  
3           rity may not cancel the removal of an alien or grant  
4           conditional permanent resident status to the alien  
5           under this subsection unless the alien submits bio-  
6           metric and biographic data, in accordance with pro-  
7           cedures established by the Secretary. The Secretary  
8           shall provide an alternative procedure for applicants  
9           who are unable to provide such biometric or bio-  
10          graphic data because of a physical impairment.

11          (5) BACKGROUND CHECKS.—

12           (A) REQUIREMENT FOR BACKGROUND  
13           CHECKS.—The Secretary of Homeland Security  
14           shall utilize biometric, biographic, and other  
15           data that the Secretary determines is appro-  
16           priate—

17                   (i) to conduct security and law en-  
18                   forcement background checks of an alien  
19                   seeking relief available under this sub-  
20                   section; and

21                   (ii) to determine whether there is any  
22                   criminal, national security, or other factor  
23                   that would render the alien ineligible for  
24                   such relief.

1 (B) COMPLETION OF BACKGROUND  
2 CHECKS.—The security and law enforcement  
3 background checks required by subparagraph  
4 (A) shall be completed, to the satisfaction of the  
5 Secretary, prior to the date the Secretary can-  
6 cels the removal of the alien under this sub-  
7 section.

8 (6) MEDICAL EXAMINATION.—An alien applying  
9 for relief available under this subsection shall under-  
10 go a medical observation and examination. The Sec-  
11 retary of Homeland Security, with the concurrence  
12 of the Secretary of Health and Human Services,  
13 shall prescribe policies and procedures for the nature  
14 and timing of such observation and examination.

15 (7) MILITARY SELECTIVE SERVICE.—An alien  
16 applying for relief available under this subsection  
17 shall establish that the alien has registered under  
18 the Military Selective Service Act (50 U.S.C. App.  
19 451 et seq.), if the alien is subject to such registra-  
20 tion under that Act.

21 (b) TERMINATION OF CONTINUOUS PERIOD.—For  
22 purposes of this section, any period of continuous resi-  
23 dence or continuous physical presence in the United States  
24 of an alien who applies for cancellation of removal under  
25 subsection (a) shall not terminate when the alien is served

1 a notice to appear under section 239(a) of the Immigra-  
2 tion and Nationality Act (8 U.S.C. 1229(a)).

3 (c) TREATMENT OF CERTAIN BREAKS IN PRES-  
4 ENCE.—

5 (1) IN GENERAL.—An alien shall be considered  
6 to have failed to maintain continuous physical pres-  
7 ence in the United States under subsection (a) if the  
8 alien has departed from the United States for any  
9 period in excess of 90 days or for any periods in the  
10 aggregate exceeding 180 days.

11 (2) EXTENSIONS FOR EXCEPTIONAL CIR-  
12 CUMSTANCES.—The Secretary of Homeland Security  
13 may extend the time periods described in paragraph  
14 (1) by 90 days if the alien demonstrates that the  
15 failure to timely return to the United States was due  
16 to exceptional circumstances. The exceptional cir-  
17 cumstances determined sufficient to justify an exten-  
18 sion should be no less compelling than serious illness  
19 of the alien, or death or serious illness of a parent,  
20 grandparent, sibling, or child.

21 (d) REGULATIONS.—

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

1           (2) INTERIM REGULATIONS.—Notwithstanding  
2           section 553 of title 5, United States Code, the regu-  
3           lations required by paragraph (1) shall be effective,  
4           on an interim basis, immediately upon publication  
5           but may be subject to change and revision after pub-  
6           lic notice and opportunity for a period of public com-  
7           ment.

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

13          (e) REMOVAL OF ALIEN.—The Secretary of Home-  
14          land Security may not remove any alien who—

15               (1) has a pending application for conditional  
16               permanent resident status under this Act; or

17               (2) establishes prima facie eligibility for can-  
18               cellation of removal and conditional permanent resi-  
19               dent status under subsection (a) and is provided a  
20               reasonable opportunity to file an application under  
21               subsection (a).

22          **SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.**

23               (a) LENGTH OF STATUS.—Conditional permanent  
24          resident status granted under section 4 shall be valid for

1 an initial period of 5 years, subject to termination under  
2 subsection (e) of this section.

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

5 (1) EMPLOYMENT.—A conditional permanent  
6 resident shall be authorized—

7 (A) to be employed in the United States  
8 incident to conditional permanent resident sta-  
9 tus; and

10 (B) to enlist in the armed forces as pro-  
11 vided in section 504(b)(1)(D) of title 10,  
12 United States Code, as added by section 12.

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

17 (A) the alien is the bearer of valid, unex-  
18 pired documentary evidence of conditional per-  
19 manent resident status; and

20 (B) the alien's absence from the United  
21 States was not for a period exceeding 180 days  
22 or the alien was absent from the United States  
23 due to active service in the armed forces.

24 (c) TERMINATION OF STATUS.—

1           (1) IN GENERAL.—The Secretary of Homeland  
2 Security shall terminate the conditional permanent  
3 resident status of any alien if the Secretary deter-  
4 mines that the alien is 18 years of age or older  
5 and—

6           (A) in the case of—

7           (i) an alien postsecondary student, the  
8 alien failed to enroll in an accredited insti-  
9 tution of higher education in the United  
10 States within 1 year after the date on  
11 which the alien was granted conditional  
12 permanent resident status or to remain so  
13 enrolled;

14           (ii) an alien described under section  
15 4(a)(1)(C), the alien has not been em-  
16 ployed for a total period of 48 months dur-  
17 ing the 5-year period beginning on the date  
18 that the alien was granted conditional per-  
19 manent resident status; or

20           (iii) an alien enlistee, the alien—

21           (I) failed to enlist, and be accept-  
22 ed for enlistment, in the armed forces  
23 within 9 months after the date on  
24 which the alien was granted condi-  
25 tional permanent resident status; or

1 (II) has received a dishonorable  
2 or other than honorable discharge  
3 from the armed forces;

4 (B) ceases to meet the requirements of  
5 subparagraph (D) or (E) of section 4(a)(1); or

6 (C) has become a public charge.

7 (2) RETURN TO PREVIOUS IMMIGRATION STA-  
8 TUS.—Any alien whose conditional permanent resi-  
9 dent status is terminated under paragraph (1) shall  
10 return to the immigration status the alien had im-  
11 mediately prior to receiving conditional permanent  
12 resident status.

13 (d) EXTENSION OF STATUS.—The Secretary of  
14 Homeland Security shall extend the conditional permanent  
15 resident status of an alien for a second period of 5 years  
16 if the following requirements are met:

17 (1) The alien has demonstrated good moral  
18 character during the entire period the alien has been  
19 a conditional permanent resident.

20 (2) The alien is in compliance with section  
21 4(a)(1)(E).

22 (3) The alien has not abandoned the alien's resi-  
23 dence in the United States. For purposes of this  
24 subparagraph, the Secretary shall presume that the  
25 alien has abandoned such residence if the alien is

1 absent from the United States for more than 365  
2 days, in the aggregate, during the period of condi-  
3 tional permanent resident status, unless the alien  
4 demonstrates that the alien has not abandoned the  
5 alien's residence.

6 (4) The alien is 18 years of age or older and—

7 (A) in the case of an alien postsecondary  
8 student, has been graduated from an accredited  
9 institution of higher education in the United  
10 States;

11 (B) in the case of an alien described under  
12 section 4(a)(1)(C), the alien has been employed  
13 for a total period of 48 months during the 5-  
14 year period beginning on the date that the alien  
15 was granted conditional permanent resident sta-  
16 tus; or

17 (C) in the case of an alien enlistee, has  
18 served as a member of a regular or reserve  
19 component of the armed forces in an active  
20 duty status for at least 3 years, and, if dis-  
21 charged, received an honorable discharge.

22 **SEC. 6. REMOVAL OF CONDITIONAL BASIS FOR PERMA-**  
23 **NENT RESIDENCE.**

24 (a) IN GENERAL.—A conditional permanent resident  
25 may file with the Secretary of Homeland Security, in ac-



1 cordance with subsection (c), an application to remove the  
2 conditional basis of permanent residency and to have the  
3 alien's status adjusted to that of an alien lawfully admit-  
4 ted for permanent residence. The application shall provide,  
5 under penalty of perjury, the facts and information so that  
6 the Secretary may make the determination described in  
7 subsection (b)(1).

8 (b) ADJUDICATION OF APPLICATION FOR ADJUST-  
9 MENT OF STATUS.—

10 (1) IN GENERAL.—If an application is filed in  
11 accordance with subsection (a) for an alien, the Sec-  
12 retary of Homeland Security shall make a deter-  
13 mination as to whether the alien meets the require-  
14 ments set out in subsection (d).

15 (2) ADJUSTMENT OF STATUS IF FAVORABLE  
16 DETERMINATION.—Notwithstanding any other provi-  
17 sion of law, including paragraphs (2), (3), (4), and  
18 (8) of section 245(c) of the Immigration and Nation-  
19 ality Act (8 U.S.C. 1255(c)), if the Secretary deter-  
20 mines that the alien meets such requirements, the  
21 Secretary shall notify the alien of such determina-  
22 tion and adjust the alien's status to that of an alien  
23 lawfully admitted for permanent residence, effective  
24 as of the date of approval of the application.

1           (3) TERMINATION IF ADVERSE DETERMINA-  
2           TION.—If the Secretary determines that the alien  
3           does not meet such requirements, the Secretary shall  
4           notify the alien of such determination and terminate  
5           the conditional permanent resident status of the  
6           alien as of the date of the determination.

7           (c) TIME TO FILE APPLICATION.—

8           (1) IN GENERAL.—An alien shall file an appli-  
9           cation for adjustment of status during the period—

10           (A) beginning on the date on which the  
11           alien obtained an extension of status under sec-  
12           tion 5(d); and

13           (B) ending on either the date that is 10  
14           years after the date of the initial grant of con-  
15           ditional permanent resident status or any other  
16           expiration date of the conditional permanent  
17           resident status as extended by the Secretary of  
18           Homeland Security in accordance with this Act.

19           (2) STATUS DURING PENDENCY.—The alien  
20           shall be deemed to be in conditional permanent resi-  
21           dent status in the United States during the period  
22           in which such application is pending.

23           (d) CONTENTS OF APPLICATION.—Each application  
24           for an alien under subsection (a) shall contain information

1 to permit the Secretary of Homeland Security to deter-  
2 mine whether each of the following requirements is met:

3 (1) The alien has demonstrated good moral  
4 character during the entire period the alien has been  
5 a conditional permanent resident.

6 (2) The alien is in compliance with section  
7 4(a)(1)(E).

8 (3) The alien has not abandoned the alien's res-  
9 idence in the United States. For purposes of this  
10 paragraph—

11 (A) the Secretary shall presume that the  
12 alien has abandoned such residence if the alien  
13 is absent from the United States for more than  
14 730 days, in the aggregate, during the period of  
15 conditional permanent resident status, unless  
16 the alien demonstrates that the alien has not  
17 abandoned the alien's residence; and

18 (B) an alien who is absent from the United  
19 States due to active service in the armed forces  
20 has not abandoned the alien's residence in the  
21 United States during the period of such service.

22 (e) CITIZENSHIP REQUIREMENT.—

23 (1) IN GENERAL.—Except as provided in para-  
24 graph (2), the status of a conditional permanent  
25 resident shall not have the conditional basis for per-

1       manent residency removed or be adjusted to perma-  
2       nent resident status unless the alien demonstrates  
3       that the alien satisfies the requirements of section  
4       312(a) of the Immigration and Nationality Act (8  
5       U.S.C. 1423(a)).

6               (2) EXCEPTION.—Paragraph (1) shall not  
7       apply to an alien who is unable because of a physical  
8       or developmental disability or mental impairment to  
9       meet the requirements of such paragraph.

10       (f) PAYMENT OF FEDERAL TAXES.—

11               (1) IN GENERAL.—Not later than the date on  
12       which an application is filed under subsection (a) for  
13       adjustment of status, the alien shall satisfy any ap-  
14       plicable Federal tax liability due and owing on such  
15       date.

16               (2) APPLICABLE FEDERAL TAX LIABILITY.—  
17       For purposes of paragraph (1), the term “applicable  
18       Federal tax liability” means liability for Federal  
19       taxes imposed under the Internal Revenue Code of  
20       1986, including any penalties and interest thereon.

21       (g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
22       DATA.—The Secretary of Homeland Security may not ad-  
23       just the status of an alien under this section unless the  
24       alien submits biometric and biographic data, in accordance  
25       with procedures established by the Secretary. The Sec-

1   retary shall provide an alternative procedure for applicants  
2   who are unable to provide such biometric or biographic  
3   data because of a physical impairment.

4       (h) BACKGROUND CHECKS.—

5           (1)    REQUIREMENT    FOR    BACKGROUND  
6       CHECKS.—The Secretary of Homeland Security shall  
7       utilize biometric, biographic, and other data that the  
8       Secretary determines 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 by paragraph (1) shall be completed,  
19       to the satisfaction of the Secretary, prior to the date  
20       the Secretary grants adjustment of status.

21          (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

22       Nothing in this section or in any other law may be con-  
23       strued to apply a numerical limitation on the number of  
24       aliens who may be eligible for adjustment of status under  
25       this section.

1 (j) ELIGIBILITY FOR NATURALIZATION.—

2 (1) IN GENERAL.—An alien whose status is ad-  
3 justed under this section to that of an alien lawfully  
4 admitted for permanent residence may be natural-  
5 ized upon compliance with all the requirements of  
6 the immigration laws.

7 (2) ALIEN ENLISTEES.—For purposes of sec-  
8 tion 316(a), an alien enlistee whose status was ad-  
9 justed under this section shall be deemed to have  
10 satisfied the requirements of paragraphs (1) and (2)  
11 of such section, and may apply for naturalization.

12 **SEC. 7. TREATMENT OF ALIENS MEETING REQUIREMENTS**  
13 **FOR EXTENSION OF CONDITIONAL PERMA-**  
14 **NENT RESIDENT STATUS.**

15 If, on the date of the enactment of this Act, an alien  
16 has satisfied all the requirements of sections 4(a)(1) and  
17 5(d)(1)(D), the Secretary of Homeland Security may can-  
18 cel removal and grant conditional permanent resident sta-  
19 tus in accordance with section 4, and may extend condi-  
20 tional permanent resident status in accordance with sec-  
21 tion 5(d). The alien may apply for adjustment of status  
22 in accordance with section 6(a) if the alien has met the  
23 requirements of section 5(d)(1) during the entire period  
24 of conditional permanent resident status.

1 **SEC. 8. EXCLUSIVE JURISDICTION.**

2       The Secretary of Homeland Security shall have exclu-  
3 sive jurisdiction to determine eligibility for relief under  
4 this Act, except where the alien has been placed into de-  
5 portation, exclusion, or removal proceedings either prior  
6 to or after filing an application for cancellation of removal  
7 and conditional permanent resident status or adjustment  
8 of status under this Act, in which case the Attorney Gen-  
9 eral shall have exclusive jurisdiction and shall assume all  
10 the powers and duties of the Secretary until proceedings  
11 are terminated, or if a final order of deportation, exclu-  
12 sion, or removal is entered the Secretary shall resume all  
13 powers and duties delegated to the Secretary under this  
14 Act. If the Secretary grants relief under this Act, the final  
15 order of deportation, exclusion, or removal shall be termi-  
16 nated.

17 **SEC. 9. CONFIDENTIALITY OF INFORMATION.**

18       (a) PROHIBITION.—Except as provided in subsection  
19 (b), no officer or employee of the United States may—

20               (1) use the information furnished by an indi-  
21 vidual pursuant to an application filed under this  
22 Act to initiate removal proceedings against any per-  
23 son identified in the application;

24               (2) make any publication whereby the informa-  
25 tion furnished by any particular individual pursuant  
26 to an application under this Act can be identified; or

1           (3) permit anyone other than an officer or em-  
2           ployee of the United States Government, the alien,  
3           or, in the case of an application filed under this Act  
4           with a designated entity, that designated entity, to  
5           examine such application filed under this Act.

6           (b) REQUIRED DISCLOSURE.—The Attorney General  
7           or the Secretary of Homeland Security shall provide the  
8           information furnished under this Act, and any other infor-  
9           mation derived from such furnished information, to—

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

22           (2) an official coroner for purposes of affirma-  
23           tively identifying a deceased individual (whether or  
24           not such individual is deceased as a result of a  
25           crime).



1 (c) FRAUD IN APPLICATION PROCESS OR CRIMINAL  
2 CONDUCT.—Notwithstanding any other provision of this  
3 section, information concerning whether an alien seeking  
4 relief under this Act has engaged in fraud in an applica-  
5 tion for such relief or at any time committed a crime may  
6 be used or released for immigration enforcement, law en-  
7 forcement, or national security purposes.

8 (d) PENALTY.—Whoever knowingly uses, publishes,  
9 or permits information to be examined in violation of this  
10 section shall be fined not more than \$10,000.

11 **SEC. 10. TREATMENT OF CONDITIONAL PERMANENT RESI-**  
12 **DENTS FOR CERTAIN PURPOSES.**

13 (a) IN GENERAL.—An individual granted conditional  
14 permanent resident status under this Act shall, while such  
15 individual remains in such status, be considered lawfully  
16 present for all purposes.

17 (b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY  
18 WAITING PERIOD UNDER PRWORA.—An individual who  
19 has met the requirements under this Act for adjustment  
20 from conditional permanent resident status to lawful per-  
21 manent resident status shall be considered, as of the date  
22 of such adjustment, to have completed the 5-year period  
23 specified in section 403 of the Personal Responsibility and  
24 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
25 1613).

1 **SEC. 11. 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 to the Committee on the Judiciary of  
5 the Senate and the Committee on the Judiciary of the  
6 House of Representatives a report setting 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 4(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 4(a);

13 (3) the number of aliens who were granted con-  
14 ditional permanent resident status under section  
15 4(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 under section 6.

19 **SEC. 12. MILITARY ENLISTMENT.**

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

23 “(D) An alien who is a conditional permanent  
24 resident (as that term is defined in section 3 of the  
25 Recognizing America’s Children Act).”.

1 **SEC. 13. NATURALIZATION OF ENLISTEES.**

2 For purposes of sections 328 and 329 of the Immi-  
3 gration and Nationality Act, an alien enlistee shall be con-  
4 sidered to have been lawfully admitted for permanent resi-  
5 dence, without regard to the conditional status of such ad-  
6 mission.

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