

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2821  
OFFERED BY M . \_\_\_\_\_**

Strike all that follows after the enacting clause and  
insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “American Promise Act  
3 of 2019”.

4 **TITLE I—TREATMENT OF CER-**  
5 **TAIN NATIONALS OF CERTAIN**  
6 **COUNTRIES DESIGNATED**  
7 **FOR TEMPORARY PRO-**  
8 **TECTED STATUS OR DE-**  
9 **FERRED ENFORCED DEPAR-**  
10 **TURE**

11 **SEC. 101. ADJUSTMENT OF STATUS FOR CERTAIN NATION-**  
12 **ALS OF CERTAIN COUNTRIES DESIGNATED**  
13 **FOR TEMPORARY PROTECTED STATUS OR**  
14 **DEFERRED ENFORCED DEPARTURE.**

15       (a) IN GENERAL.—Notwithstanding any other provi-  
16 sion of law, the Secretary or the Attorney General shall  
17 cancel the removal of, and adjust to the status of an alien

1 lawfully admitted for permanent residence, an alien de-  
2 scribed in subsection (b) if the alien—

3 (1) applies for such adjustment, including sub-  
4 mitting any required documents under section 207,  
5 not later than 3 years after the date of the enact-  
6 ment of this Act;

7 (2) has been continuously physically present in  
8 the United States for a period of not less than 3  
9 years before the date of the enactment of this Act;  
10 and

11 (3) is not inadmissible under paragraph (1),  
12 (2), (3), (6)(D), (6)(E), (6)(F), (6)(G), (8), or (10)  
13 of section 212(a) of the Immigration and Nationality  
14 Act (8 U.S.C. 1182(a)).

15 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
16 TUS.—An alien shall be eligible for adjustment of status  
17 under this section if the alien is an individual—

18 (1) who—

19 (A) is a national of a foreign state (or part  
20 thereof) (or in the case of an alien having no  
21 nationality, is a person who last habitually re-  
22 sided in such state) with a designation under  
23 subsection (b) of section 244 of the Immigra-  
24 tion and Nationality Act (8 U.S.C. 1254a(b))  
25 on January 1, 2017, who had or was otherwise

1 eligible for temporary protected status on such  
2 date notwithstanding subsections (c)(1)(A)(iv)  
3 and (c)(3)(C) of such section; and

4 (B) has not engaged in conduct since such  
5 date that would render the alien ineligible for  
6 temporary protected status under section  
7 244(c)(2) of the Immigration and Nationality  
8 Act (8 U.S.C. 1245a(c)(2)); or

9 (2) who was eligible for Deferred Enforced De-  
10 parture as of January 1, 2017, and has not engaged  
11 in conduct since that date that would render the  
12 alien ineligible for Deferred Enforced Departure.

13 (c) APPLICATION.—

14 (1) FEE.—The Secretary shall, subject to an  
15 exemption under section 203(c), require an alien ap-  
16 plying for adjustment of status under this section to  
17 pay a reasonable fee that is commensurate with the  
18 cost of processing the application, but does not ex-  
19 ceed \$1,140.

20 (2) BACKGROUND CHECKS.—The Secretary  
21 may not grant an alien permanent resident status on  
22 a conditional basis under this section until the re-  
23 quirements of section 202 are satisfied.

24 (3) WITHDRAWAL OF APPLICATION.—The Sec-  
25 retary of Homeland Security shall, upon receipt of

1 a request to withdraw an application for adjustment  
2 of status under this section, cease processing of the  
3 application and close the case. Withdrawal of the ap-  
4 plication under this subsection shall not prejudice  
5 any future application filed by the applicant for any  
6 immigration benefit under this Act or under the Im-  
7 migration and Nationality Act (8 U.S.C. 1101 et  
8 seq).

## 9 **TITLE II—GENERAL PROVISIONS**

### 10 **SEC. 201. DEFINITIONS.**

11 (a) IN GENERAL.—In this Act:

12 (1) IN GENERAL.—Except as otherwise specifi-  
13 cally provided, any term used in this Act that is  
14 used in the immigration laws shall have the meaning  
15 given such term in the immigration laws.

16 (2) DISABILITY.—The term “disability” has the  
17 meaning given such term in section 3(1) of the  
18 Americans with Disabilities Act of 1990 (42 U.S.C.  
19 12102(1)).

20 (3) FEDERAL POVERTY LINE.—The term “Fed-  
21 eral poverty line” has the meaning given such term  
22 in section 213A(h) of the Immigration and Nation-  
23 ality Act (8 U.S.C. 1183a).

24 (4) IMMIGRATION LAWS.—The term “immigra-  
25 tion laws” has the meaning given such term in sec-

1       tion 101(a)(17) of the Immigration and Nationality  
2       Act (8 U.S.C. 1101(a)(17)).

3           (5) SECRETARY.—Except as otherwise specifi-  
4       cally provided, the term “Secretary” means the Sec-  
5       retary of Homeland Security.

6           (6) UNIFORMED SERVICES.—The term “Uni-  
7       formed Services” has the meaning given the term  
8       “uniformed services” in section 101(a) of title 10,  
9       United States Code.

10       (b) TREATMENT OF EXPUNGED CONVICTIONS.—For  
11      purposes of adjustment of status under this Act, the terms  
12      “convicted” and “conviction”, as used in sections 212 and  
13      244 of the Immigration and Nationality Act (8 U.S.C.  
14      1182, 1254a), do not include a judgment that has been  
15      expunged or set aside, that resulted in a rehabilitative dis-  
16      position, or the equivalent.

17      **SEC. 202. SUBMISSION OF BIOMETRIC AND BIOGRAPHIC**  
18                                      **DATA; BACKGROUND CHECKS.**

19       (a) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
20      DATA.—The Secretary may not grant an alien adjustment  
21      of status under this Act unless the alien submits biometric  
22      and biographic data, in accordance with procedures estab-  
23      lished by the Secretary. The Secretary shall provide an  
24      alternative procedure for aliens who are unable to provide

1 such biometric or biographic data because of a physical  
2 impairment.

3 (b) BACKGROUND CHECKS.—The Secretary shall use  
4 biometric, biographic, and other data that the Secretary  
5 determines appropriate to conduct security and law en-  
6 forcement background checks and to determine whether  
7 there is any criminal, national security, or other factor  
8 that would render the alien ineligible for adjustment of  
9 status under this Act. The status of an alien may not be  
10 adjusted unless security and law enforcement background  
11 checks are completed to the satisfaction of the Secretary.

12 **SEC. 203. LIMITATION ON REMOVAL; APPLICATION AND**  
13 **FEE EXEMPTION; WAIVER OF GROUNDS FOR**  
14 **INADMISSIBILITY AND OTHER CONDITIONS**  
15 **ON ELIGIBLE INDIVIDUALS.**

16 (a) LIMITATION ON REMOVAL.—An alien who ap-  
17 pears to be prima facie eligible for relief under this Act  
18 shall be given a reasonable opportunity to apply for such  
19 relief and may not be removed until, subject to section  
20 206(c), a final decision establishing ineligibility for relief  
21 is rendered.

22 (b) APPLICATION.—An alien present in the United  
23 States who has been ordered removed or has been per-  
24 mitted to depart voluntarily from the United States may,  
25 notwithstanding such order or permission to depart, apply

1 for adjustment of status under this Act. Such alien shall  
2 not be required to file a separate motion to reopen, recon-  
3 sider, or vacate the order of removal. If the Secretary ap-  
4 proves the application, the Secretary shall cancel the order  
5 of removal. If the Secretary renders a final administrative  
6 decision to deny the application, the order of removal or  
7 permission to depart shall be effective and enforceable to  
8 the same extent as if the application had not been made,  
9 only after all available administrative and judicial rem-  
10 edies have been exhausted.

11 (c) FEE EXEMPTION.—An applicant may be exempt-  
12 ed from paying an application fee required under this Act  
13 if the applicant—

14 (1) is younger than 18 years of age;

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

19 (3) is in foster care or otherwise lacks any pa-  
20 rental or other familial support; or

21 (4) cannot care for himself or herself because of  
22 a serious, chronic disability.

23 (d) WAIVER OF GROUNDS OF INADMISSIBILITY.—

24 (1) IN GENERAL.—Except as provided in para-  
25 graph (2), with respect to any benefit under this

1 Act, and in addition to any waivers that are other-  
2 wise available, the Secretary may waive the grounds  
3 of inadmissibility under paragraph (1), subpara-  
4 graphs (A), (C), and (D) of paragraph (2), subpara-  
5 graphs (D) through (G) of paragraph (6), or para-  
6 graph (10)(D) of section 212(a) of the Immigration  
7 and Nationality Act (8 U.S.C. 1182(a)) for humani-  
8 tarian purposes, for family unity, or because the  
9 waiver is otherwise in the public interest.

10 (2) EXCEPTION.—The Secretary may not waive  
11 a ground described in paragraph (1) if such inad-  
12 missibility is based on a conviction or convictions,  
13 and such conviction or convictions would otherwise  
14 render the alien ineligible under section  
15 244(c)(2)(B) of the Immigration and Nationality  
16 Act (8 U.S.C. 1254a(c)(2)(B)).

17 (e) ADVANCE PAROLE.—During the period beginning  
18 on the date on which an alien applies for adjustment of  
19 status under this Act and ending on the date on which  
20 the Secretary makes a final decision regarding such appli-  
21 cation, the alien shall be eligible to apply for advance pa-  
22 role. Section 101(g) of the Immigration and Nationality  
23 Act (8 U.S.C. 1101(g)) shall not apply to an alien granted  
24 advance parole under this section.



1 (f) EMPLOYMENT.—An alien whose removal is stayed  
2 pursuant to this Act, or who has pending an application  
3 under this Act, shall, upon application to the Secretary,  
4 be granted an employment authorization document.

5 **SEC. 204. DETERMINATION OF CONTINUOUS PRESENCE.**

6 (a) EFFECT OF NOTICE TO APPEAR.—Any period of  
7 continuous physical presence in the United States of an  
8 alien who applies for adjustment of status under this Act  
9 shall not terminate when the alien is served a notice to  
10 appear under section 239(a) of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1229(a)).

12 (b) TREATMENT OF CERTAIN BREAKS IN PRES-  
13 ENCE.—

14 (1) IN GENERAL.—Except as provided in para-  
15 graphs (2) and (3), an alien shall be considered to  
16 have failed to maintain continuous physical presence  
17 in the United States under this Act if the alien has  
18 departed from the United States for any period ex-  
19 ceeding 90 days or for any periods, in the aggregate,  
20 exceeding 180 days.

21 (2) EXTENSIONS FOR EXTENUATING CIR-  
22 CUMSTANCES.—The Secretary may extend the time  
23 periods described in paragraph (1) for an alien who  
24 demonstrates that the failure to timely return to the  
25 United States was due to extenuating circumstances

1 beyond the alien's control, including the serious ill-  
2 ness of the alien, or death or serious illness of a par-  
3 ent, grandparent, sibling, or child of the alien.

4 (3) TRAVEL AUTHORIZED BY THE SEC-  
5 RETARY.—Any period of travel outside of the United  
6 States by an alien that was authorized by the Sec-  
7 retary may not be counted toward any period of de-  
8 parture from the United States under paragraph  
9 (1).

10 (c) WAIVER OF PHYSICAL PRESENCE.—With respect  
11 to aliens who were removed or departed the United States  
12 on or after January 20, 2017, and who were continuously  
13 physically present in the United States for at least 3 years  
14 prior to such removal or departure, the Secretary may,  
15 as a matter of discretion, waive the physical presence re-  
16 quirement under section 101(a)(2) for humanitarian pur-  
17 poses, for family unity, or because a waiver is otherwise  
18 in the public interest. The Secretary, in consultation with  
19 the Secretary of State, shall establish a procedure for such  
20 aliens to apply for relief under section 101 from outside  
21 the United States if they would have been eligible for relief  
22 under such section, but for their removal or departure.

23 **SEC. 205. EXEMPTION FROM NUMERICAL LIMITATIONS.**

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

1 aliens who may be granted permanent resident status  
2 under this Act.

3 **SEC. 206. AVAILABILITY OF ADMINISTRATIVE AND JUDI-**  
4 **CIAL REVIEW.**

5 (a) ADMINISTRATIVE REVIEW.—Not later than 30  
6 days after the date of the enactment of this Act, the Sec-  
7 retary shall provide to aliens who have applied for adjust-  
8 ment of status under this Act a process by which an appli-  
9 cant may seek administrative appellate review of a denial  
10 of an application for adjustment of status, or a revocation  
11 of such status.

12 (b) JUDICIAL REVIEW.—Notwithstanding any other  
13 provision of law, an alien may seek judicial review of a  
14 denial of an application for adjustment of status, or a rev-  
15 ocation of such status, under this Act in the United States  
16 district court with jurisdiction over the alien's residence.

17 (c) STAY OF REMOVAL.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (2), an alien seeking administrative or judicial  
20 review under this Act may not be removed from the  
21 United States until a final decision is rendered es-  
22 tablishing that the alien is ineligible for adjustment  
23 of status under this Act.

24 (2) EXCEPTION.—The Secretary may remove  
25 an alien described in paragraph (1) pending judicial

1 review if such removal is based on criminal or na-  
2 tional security grounds. Such removal does not af-  
3 fect the alien's right to judicial review under this  
4 Act. The Secretary shall promptly return a removed  
5 alien if a decision to deny an application for adjust-  
6 ment of status under this Act, or to revoke such sta-  
7 tus, is reversed.

8 **SEC. 207. DOCUMENTATION REQUIREMENTS.**

9 (a) DOCUMENTS ESTABLISHING IDENTITY.—An  
10 alien's application for permanent resident status under  
11 this Act may include, as evidence of identity, the following:

12 (1) A passport or national identity document  
13 from the alien's country of origin that includes the  
14 alien's name and the alien's photograph or finger-  
15 print.

16 (2) The alien's birth certificate and an identity  
17 card that includes the alien's name and photograph.

18 (3) A school identification card that includes  
19 the alien's name and photograph, and school records  
20 showing the alien's name and that the alien is or  
21 was enrolled at the school.

22 (4) A Uniformed Services identification card  
23 issued by the Department of Defense.

1           (5) Any immigration or other document issued  
2           by the United States Government bearing the alien's  
3           name and photograph.

4           (6) A State-issued identification card bearing  
5           the alien's name and photograph.

6           (7) Any other evidence determined to be cred-  
7           ible by the Secretary.

8           (b) DOCUMENTS ESTABLISHING CONTINUOUS PHYS-  
9           ICAL PRESENCE.—An alien's application for permanent  
10          resident status under this Act may include, as evidence  
11          that the alien has been continuously physically present in  
12          the United States, as required under section 101(a)(2),  
13          the following:

14           (1) Passport entries, including admission  
15           stamps on the alien's passport.

16           (2) Any document from the Department of Jus-  
17           tice or the Department of Homeland Security noting  
18           the alien's date of entry into the United States.

19           (3) Records from any educational institution  
20           the alien has attended in the United States.

21           (4) Employment records of the alien that in-  
22           clude the employer's name and contact information.

23           (5) Records of service from the Uniformed  
24           Services.

1           (6) Official records from a religious entity con-  
2           firming the alien's participation in a religious cere-  
3           mony.

4           (7) A birth certificate for a child who was born  
5           in the United States.

6           (8) Hospital or medical records showing med-  
7           ical treatment or hospitalization, the name of the  
8           medical facility or physician, and the date of the  
9           treatment or hospitalization.

10          (9) Automobile license receipts or registration.

11          (10) Deeds, mortgages, or rental agreement  
12          contracts.

13          (11) Rent receipts or utility bills bearing the  
14          alien's name or the name of an immediate family  
15          member of the alien, and the alien's address.

16          (12) Tax receipts;

17          (13) Insurance policies.

18          (14) Remittance records, including copies of  
19          money order receipts sent in or out of the country.

20          (15) Travel records.

21          (16) Dated bank transactions.

22          (17) Two or more sworn affidavits from individ-  
23          uals who are not related to the alien who have direct  
24          knowledge of the alien's continuous physical pres-  
25          ence in the United States, that contain—

1 (A) the name, address, and telephone num-  
2 ber of the affiant; and

3 (B) the nature and duration of the rela-  
4 tionship between the affiant and the alien.

5 (18) Any other evidence determined to be cred-  
6 ible by the Secretary.

7 (c) DOCUMENTS ESTABLISHING EXEMPTION FROM  
8 APPLICATION FEES.—An alien's application for perma-  
9 nent resident status under this Act may include, as evi-  
10 dence that the alien is exempt from an application fee  
11 under section 203(c), the following:

12 (1) DOCUMENTS TO ESTABLISH AGE.—To es-  
13 tablish that an alien meets an age requirement, the  
14 alien may provide proof of identity, as described in  
15 subsection (a), that establishes that the alien is  
16 younger than 18 years of age.

17 (2) DOCUMENTS TO ESTABLISH INCOME.—To  
18 establish the alien's income, the alien may provide—

19 (A) employment records or other records of  
20 earned income, including records that have been  
21 maintained by the Social Security Administra-  
22 tion, the Internal Revenue Service, or any other  
23 Federal, State, or local government agency;

24 (B) bank records; or

1 (C) at least 2 sworn affidavits from indi-  
2 viduals who are not related to the alien and  
3 who have direct knowledge of the alien's work  
4 and income that contain—

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

7 (ii) the nature and duration of the re-  
8 lationship between the affiant and the  
9 alien.

10 (3) DOCUMENTS TO ESTABLISH FOSTER CARE,  
11 LACK OF FAMILIAL SUPPORT, OR SERIOUS, CHRONIC  
12 DISABILITY.—To establish that the alien is in foster  
13 care, lacks parental or familial support, or has a se-  
14 rious, chronic disability, the alien may provide at  
15 least 2 sworn affidavits from individuals who are not  
16 related to the alien and who have direct knowledge  
17 of the circumstances that contain—

18 (A) a statement that the alien is in foster  
19 care, otherwise lacks any parental or other fa-  
20 miliar support, or has a serious, chronic dis-  
21 ability, as appropriate;

22 (B) the name, address, and telephone num-  
23 ber of the affiant; and

24 (C) the nature and duration of the rela-  
25 tionship between the affiant and the alien.



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

9 **SEC. 208. RULE MAKING.**

10 (a) IN GENERAL.—Not later than 90 days after the  
11 date of the enactment of this Act, the Secretary shall pub-  
12 lish in the Federal Register interim final rules imple-  
13 menting this Act, which shall allow eligible individuals to  
14 immediately apply for relief under section 101. Notwith-  
15 standing section 553 of title 5, United States Code, the  
16 regulation shall be effective, on an interim basis, imme-  
17 diately upon publication, but may be subject to change and  
18 revision after public notice and opportunity for a period  
19 of public comment. The Secretary shall finalize such rules  
20 not later than 180 days after the date of publication.

21 (b) PAPERWORK REDUCTION ACT.—The require-  
22 ments under chapter 35 of title 44, United States Code,  
23 (commonly known as the “Paperwork Reduction Act”)  
24 shall not apply to any action to implement this Act.

1 **SEC. 209. CONFIDENTIALITY OF INFORMATION.**

2 (a) IN GENERAL.—The Secretary may not disclose  
3 or use information provided in applications filed under this  
4 Act (including information provided during administrative  
5 or judicial review) for the purpose of immigration enforce-  
6 ment.

7 (b) REFERRALS PROHIBITED.—The Secretary, based  
8 solely on information provided in an application for adjust-  
9 ment of status under this Act (including information pro-  
10 vided during administrative or judicial review), may not  
11 refer an applicant to U.S. Immigration and Customs En-  
12 forcement, U.S. Customs and Border Protection, or any  
13 designee of either such entity .

14 (c) LIMITED EXCEPTION.—Notwithstanding sub-  
15 sections (a) and (b), information provided in an applica-  
16 tion for adjustment of status under this Act may be  
17 shared with Federal security and law enforcement agen-  
18 cies—

19 (1) for assistance in the consideration of an ap-  
20 plication for adjustment of status under this Act;

21 (2) to identify or prevent fraudulent claims;

22 (3) for national security purposes; or

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

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

4 **SEC. 210. GRANT PROGRAM TO ASSIST ELIGIBLE APPLI-**  
5 **CANTS.**

6 (a) ESTABLISHMENT.—The Secretary of Homeland  
7 Security shall establish, within U.S. Citizenship and Immi-  
8 gration Services, a program to award grants, on a com-  
9 petitive basis, to eligible nonprofit organizations that will  
10 use the funding to assist eligible applicants under this Act  
11 by providing them with the services described in sub-  
12 section (b).

13 (b) USE OF FUNDS.—Grant funds awarded under  
14 this section shall be used for the design and implementa-  
15 tion of programs that provide—

16 (1) information to the public regarding the eli-  
17 gibility and benefits of permanent resident status  
18 under this Act, particularly to individuals potentially  
19 eligible for such status;

20 (2) assistance, within the scope of authorized  
21 practice of immigration law, to individuals submit-  
22 ting applications for adjustment of status under this  
23 Act, including—

24 (A) screening prospective applicants to as-  
25 sess their eligibility for such status;

1 (B) completing applications and petitions,  
2 including providing assistance in obtaining the  
3 requisite documents and supporting evidence;  
4 and

5 (C) providing any other assistance that the  
6 Secretary or grantee considers useful or nec-  
7 essary to apply for adjustment of status under  
8 this Act; and

9 (3) assistance, within the scope of authorized  
10 practice of immigration law, and instruction, to indi-  
11 viduals—

12 (A) on the rights and responsibilities of  
13 United States citizenship;

14 (B) in civics and English as a second lan-  
15 guage;

16 (C) in preparation for the General Edu-  
17 cation Development test; and

18 (D) in applying for adjustment of status  
19 and United States citizenship.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) AMOUNTS AUTHORIZED.—There are author-  
22 ized to be appropriated such sums as may be nec-  
23 essary for each of the fiscal years 2020 through  
24 2030 to carry out this section.

1           (2) AVAILABILITY.—Any amounts appropriated  
2           pursuant to paragraph (1) shall remain available  
3           until expended.

4 **SEC. 211. PROVISIONS AFFECTING ELIGIBILITY FOR AD-**  
5 **JUSTMENT OF STATUS.**

6           An alien's eligibility to be lawfully admitted for per-  
7           manent residence under this Act shall not preclude the  
8           alien from seeking any status under any other provision  
9           of law for which the alien may otherwise be eligible.

