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(Original Signature of Member)

107TH CONGRESS
2D SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. GEPHARDT (for himself, Mr. REYES, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. BERMAN, Mr. BECERRA, Ms. SOLIS, Ms. ROYBAL-ALLARD, Mr. RANGEL, Mr. GREEN of Texas, Mr. CONYERS, Ms. VELÁZQUEZ, Mr. PASTOR, Mr. DOOLEY of California, Mr. GONZALEZ, Mr. HINOJOSA, Mr. SERRANO, Mr. OWENS, Mr. TOWNS, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. MENENDEZ, Ms. DELAURO, Mr. BACA, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. FARR of California, Mr. HONDA, Mr. FRANK, and Mr. FROST) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to provide for permanent resident status for certain long-term resident workers and college-bound students, to modify the worldwide level of family-sponsored immigrants in order to promote family unification, 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 “Earned Legalization
5 and Family Unification Act of 2002”.

6 **SEC. 2. LEGALIZATION OF STATUS.**

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

11 “ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESI-
12 DENT WORKERS AND COLLEGE-BOUND STUDENTS
13 TO THAT OF ALIEN LAWFULLY ADMITTED FOR PER-
14 MANENT RESIDENCE

15 “SEC. 245B. (a) ADJUSTMENT TO PERMANENT
16 RESIDENT STATUS FOR CERTAIN WORKERS, SPOUSES,
17 AND CHILDREN.—The Attorney General shall adjust the
18 status of an alien to that of an alien lawfully admitted
19 for permanent residence if the alien meets the following
20 requirements:

21 “(1) TIMELY APPLICATION.—

22 “(A) DURING APPLICATION PERIOD.—Ex-
23 cept as provided in subparagraph (B), the alien
24 must apply for such adjustment during the 36-
25 month period beginning on the date final regu-
26 lations are issued to carry out this section.



1 “(B) INFORMATION INCLUDED IN APPLI-
2 CATION.—Each application under this sub-
3 section shall contain such information as the
4 Attorney General may require, including infor-
5 mation on living relatives of the applicant with
6 respect to whom a petition for preference or
7 other status may be filed by the applicant at
8 any later date under section 204(a).

9 “(2) CONTINUOUS 5-YEAR RESIDENCE.—

10 “(A) IN GENERAL.—The alien must estab-
11 lish that the alien—

12 “(i) entered the United States before
13 the date that is 5 years before the date of
14 the enactment of this Act;

15 “(ii) has resided continuously in the
16 United States during the 5-year period
17 ending on the date of the enactment of this
18 Act and through the date the application
19 was filed under this subsection; and

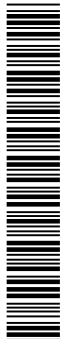
20 “(iii) was in the United States on the
21 date of the enactment of this Act in an un-
22 lawful status and has resided continuously
23 in the United States in an unlawful status
24 since such date and through the date the
25 application was filed under this subsection.



1 “(B) NONIMMIGRANTS.—In the case of an
2 alien who entered the United States as a non-
3 immigrant before the date of the enactment of
4 this Act, the alien must also establish that the
5 alien’s period of authorized stay as a non-
6 immigrant expired before such date through the
7 passage of time or the alien’s unlawful status
8 was known to the Government as of such date.

9 “(C) EXCHANGE VISITORS.—If the alien
10 was at any time a nonimmigrant exchange alien
11 (as defined in section 101(a)(15)(J)), the alien
12 must establish that the alien was not subject to
13 the two-year foreign residence requirement of
14 section 212(e) or has fulfilled that requirement
15 or received a waiver thereof.

16 “(D) OTHER LAWFUL ALIENS.—Notwith-
17 standing any other provision of this paragraph,
18 in the case of an alien who is in a lawful status,
19 other than a nonimmigrant status, on the date
20 of the enactment of this Act, the alien must es-
21 tablish that the alien has resided continuously
22 in the United States in such status during the
23 5-year period ending on the date of the enact-
24 ment of this Act.



1 “(3) CONTINUOUS PRESENCE SINCE ENACT-
2 MENT.—

3 “(A) IN GENERAL.—The alien must estab-
4 lish that the alien has been continuously
5 present in the United States since the date of
6 the enactment of this section.

7 “(B) TREATMENT OF BRIEF, CASUAL, AND
8 INNOCENT ABSENCES.— An alien shall not be
9 considered to have failed to maintained contin-
10 uous presence in the United States for purposes
11 of subparagraph (A), or continuous residence in
12 the United States for purposes of paragraph
13 (2), by virtue of brief, casual, and innocent ab-
14 sences from the United States.

15 “(C) ADMISSIONS.—Nothing in this section
16 shall be construed as authorizing an alien to
17 apply for admission to, or to be admitted to, the
18 United States in order to apply for adjustment
19 of status under this subsection.

20 “(4) ADMISSIBLE AS IMMIGRANT.—The alien
21 must establish that the alien—

22 “(A) is admissible to the United States as
23 an immigrant, except as otherwise provided
24 under subsection (e)(2);



1 “(B) has not been convicted of any felony
2 or of three or more misdemeanors committed in
3 the United States;

4 “(C) has not assisted in the persecution of
5 any person or persons on account of race, reli-
6 gion, nationality, membership in a particular
7 social group, or political opinion; and

8 “(D) is registered or registering under the
9 Military Selective Service Act, if the alien is re-
10 quired to be so registered under that Act.

11 “(5) EMPLOYMENT IN UNITED STATES.—

12 “(A) IN GENERAL.—The alien must have
13 been employed (whether or not lawfully) in the
14 United States, in the aggregate, for at least
15 520 of the workdays occurring during the 5-
16 year period ending on the date of the enactment
17 of this Act.

18 “(B) EXCEPTION FOR ALIEN CHILDREN.—
19 Subparagraph (A) shall not apply to an indi-
20 vidual under 23 years of age on the date on
21 which the application was filed under this sub-
22 section.

23 “(C) EVIDENCE OF EMPLOYMENT.—For
24 purposes of satisfying the requirement of sub-



1 paragraph (A), the alien may submit, among
2 other evidence—

3 “(i) records maintained by the Com-
4 missioner of Social Security;

5 “(ii) other employment records;

6 “(iii) tax records;

7 “(iv) bank account records; and

8 “(v) attestations from community
9 leaders, religious leaders, co-workers, or
10 store owners.

11 “(D) BURDEN OF PROOF.—An alien apply-
12 ing for adjustment of status under this sub-
13 section has the burden of proving by a prepon-
14 derance of the evidence that the alien has
15 worked the requisite number of days (as re-
16 quired under subparagraph (A)). An alien can
17 meet such burden of proof by producing suffi-
18 cient evidence to show the extent of that em-
19 ployment as a matter of just and reasonable in-
20 ference. In such a case, the burden then shifts
21 to the Attorney General to disprove the alien’s
22 evidence with a showing which negates the rea-
23 sonableness of the inference to be drawn from
24 the evidence.

25 “(6) PAYMENT OF INCOME TAXES.—



1 “(A) IN GENERAL.—The alien must dem-
2 onstrate the payment of all Federal and State
3 income taxes owed for employment during the
4 3-year period preceding the date the application
5 was filed under this subsection. The alien may
6 satisfy such requirement through demonstrating
7 that no such tax liability exists or through sat-
8 isfaction of all outstanding liabilities (including
9 through execution of a binding agreement to
10 pay back taxes owing).

11 “(7) BASIC CITIZENSHIP SKILLS.—

12 “(A) IN GENERAL.—The alien must dem-
13 onstrate that the alien either—

14 “(i) meets the requirements of section
15 312(a) (relating to minimal understanding
16 of ordinary English and a knowledge and
17 understanding of the history and govern-
18 ment of the United States); or

19 “(ii) is satisfactorily pursuing a
20 course of study (recognized by the Attor-
21 ney General) to achieve such an under-
22 standing of English and such a knowledge
23 and understanding of the history and gov-
24 ernment of the United States.

25 “(B) EXCEPTIONS.—



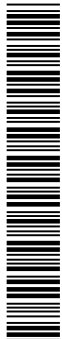
1 “(i) MANDATORY.—The requirements
2 of subparagraph (A) shall not apply to any
3 person who is—

4 “(I) 65 years of age or older; or
5 “(II) unable because of physical
6 or developmental disability or mental
7 impairment to comply therewith.

8 “(ii) DISCRETIONARY.—The Attorney
9 General may, in his discretion, waive all or
10 part of the requirements of subparagraph
11 (A) in the case of an alien who is 50 years
12 of age or older.

13 “(C) RELATION TO NATURALIZATION EX-
14 AMINATION.—In accordance with regulations of
15 the Attorney General, an alien who has dem-
16 onstrated under subparagraph (A)(i) that the
17 alien meets the requirements of section 312(a)
18 may be considered to have satisfied the require-
19 ments of that section for purposes of becoming
20 naturalized as a citizen of the United States
21 under title III.

22 “(b) FAMILY UNIFICATION.—An alien who, as of the
23 date of filing an application under subsection (a), is the
24 spouse or child of an alien who qualifies for adjustment
25 of status under subsection (a) shall, if not otherwise enti-



1 tled to such adjustment of status, be entitled to the same
2 status if accompanying or following to join the spouse or
3 parent if—

4 “(1) the spouse or child meets the requirements
5 of subsection (a)(4); and

6 “(2) the spouse or child was included in the ap-
7 plication information required under subsection
8 (a)(1)(B).

9 “(c) ADJUSTMENT TO PERMANENT RESIDENT STA-
10 TUS FOR CERTAIN CHILDREN IN MIDDLE OR SECONDARY
11 SCHOOL.—

12 “(1) IN GENERAL.—The Attorney General shall
13 adjust the status of an alien to that of an alien law-
14 fully admitted for permanent residence if the alien
15 meets the following requirements:

16 “(A) TIMELY APPLICATION.—

17 “(i) AGE ON APPLICATION DATE.—

18 The alien must not have attained 25 years
19 of age before the date on which the appli-
20 cation for adjustment under this sub-
21 section was filed.

22 “(ii) OTHER REQUIREMENTS.—The
23 requirements of subparagraphs (A) and
24 (B) of subsection (a)(1) shall apply to an
25 application under this subsection.



1 “(B) CONTINUOUS PRESENCE.—

2 “(i) IN GENERAL.—The alien must es-
3 tablish that the alien was present in the
4 United States on the date of the enactment
5 of this section and has been present in the
6 United States for a continuous period of
7 not less than 5 years immediately pre-
8 ceding the date on which the application
9 under subparagraph (A) was filed.

10 “(ii) TREATMENT OF BRIEF, CASUAL,
11 AND INNOCENT ABSENCES.— An alien
12 shall not be considered to have failed to
13 maintained continuous presence in the
14 United States for purposes of clause (i) by
15 virtue of brief, casual, and innocent ab-
16 sences from the United States.

17 “(iii) ADMISSIONS.—Nothing in this
18 section shall be construed as authorizing
19 an alien to apply for admission to, or to be
20 admitted to, the United States in order to
21 apply for adjustment of status under this
22 subsection.

23 “(C) GOOD MORAL CHARACTER.—The
24 alien must demonstrate that the alien has been
25 a person of good moral character during the 5



1 years immediately preceding the date on which
2 the application under subparagraph (A) was
3 filed.

4 “(D) STUDENT.—The alien, at the time of
5 application, must be enrolled at or above the
6 7th grade level in a school in the United States
7 or be enrolled in, or actively pursuing admission
8 to, an institution of higher education in the
9 United States (as defined in section 101 of the
10 Higher Education Act of 1965 (20 U.S.C.
11 1001)).

12 “(E) ADMISSIBLE AS IMMIGRANT.—The
13 alien must satisfy the requirements of sub-
14 section (a)(4).

15 “(2) NO DERIVATIVE RIGHT OF PARENTS.—The
16 parent of an alien who adjusts status pursuant to
17 this subsection shall not be granted the same status
18 by reason of accompanying or following to join un-
19 less otherwise entitled to such status.

20 “(d) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

21 “(1) TO WHOM MAY BE MADE.—The Attorney
22 General shall provide that applications for adjust-
23 ment of status under this section may be filed—

24 “(A) with the Attorney General; or



1 “(B) with a qualified designated entity,
 2 but only if the applicant consents to the for-
 3 warding of the application to the Attorney Gen-
 4 eral.

5 As used in this section, the term ‘qualified des-
 6 ignated entity’ means an organization or person des-
 7 ignated under paragraph (2).

8 “(2) DESIGNATION OF QUALIFIED ENTITIES TO
 9 RECEIVE APPLICATIONS.—For purposes of assisting
 10 in the program of legalization provided under this
 11 section, the Attorney General—

12 “(A) shall designate qualified voluntary or-
 13 ganizations and other qualified State, local, and
 14 community organizations; and

15 “(B) may designate such other persons as
 16 the Attorney General determines are qualified
 17 and have substantial experience, demonstrated
 18 competence, and traditional long-term involve-
 19 ment in the preparation and submittal of appli-
 20 cations for adjustment of status under section
 21 209 or 245, Public Law 89–732, or Public Law
 22 95–145 (including qualified designated entities
 23 under section 245A).

24 “(3) TREATMENT OF APPLICATIONS BY DES-
 25 IGNATED ENTITIES.—Each qualified designated enti-



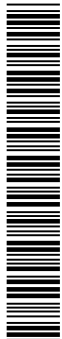
1 ty must agree to forward to the Attorney General
2 applications filed with it in accordance with para-
3 graph (1)(B) but not to forward to the Attorney
4 General applications filed with it unless the appli-
5 cant has consented to such forwarding. No such en-
6 tity may make a determination required by this sec-
7 tion to be made by the Attorney General.

8 “(4) LIMITATION ON ACCESS TO INFORMA-
9 TION.—Files and records of qualified designated en-
10 tities relating to an alien’s seeking assistance or in-
11 formation with respect to filing an application under
12 this section are confidential and the Attorney Gen-
13 eral and the Service shall not have access to such
14 files or records relating to an alien without the con-
15 sent of the alien.

16 “(5) CONFIDENTIALITY OF INFORMATION.—

17 “(A) IN GENERAL.—Except as provided in
18 this paragraph, neither the Attorney General,
19 nor any other official or employee of the De-
20 partment of Justice, or bureau or agency there-
21 of, may—

22 “(i) use the information furnished by
23 the applicant pursuant to an application
24 filed under this section for any purpose
25 other than to make a determination on the



1 application for enforcement of paragraph
2 (6), or for the preparation of reports to
3 Congress under law;

4 “(ii) make any publication whereby
5 the information furnished by any par-
6 ticular applicant can be identified; or

7 “(iii) permit anyone other than the
8 sworn officers and employees of the De-
9 partment or bureau or agency or, with re-
10 spect to applications filed with a des-
11 ignated entity, that designated entity, to
12 examine individual applications.

13 “(B) REQUIRED DISCLOSURES.—The At-
14 torney General shall provide the information
15 furnished under this section, and any other in-
16 formation derived from such furnished informa-
17 tion, to a duly recognized law enforcement enti-
18 ty in connection with a criminal investigation or
19 prosecution, when such information is requested
20 in writing by such entity, or to an official cor-
21 oner for purposes of affirmatively identifying a
22 deceased individual (whether or not such indi-
23 vidual is deceased as a result of a crime).

24 “(C) AUTHORIZED DISCLOSURES.—The
25 Attorney General may provide, in the Attorney



1 General’s discretion, for the furnishing of infor-
2 mation furnished under this section in the same
3 manner and circumstances as census informa-
4 tion may be disclosed by the Secretary of Com-
5 merce under section 8 of title 13, United States
6 Code.

7 “(D) CONSTRUCTION.—

8 “(i) IN GENERAL.—Nothing in this
9 paragraph shall be construed to limit the
10 use, or release, for immigration enforce-
11 ment purposes or law enforcement pur-
12 poses of information contained in files or
13 records of the Service pertaining to an ap-
14 plication filed under this section, other
15 than information furnished by an applicant
16 pursuant to the application, or any other
17 information derived from the application,
18 that is not available from any other source.

19 (ii) CRIMINAL CONVICTIONS.—Informa-
20 tion concerning whether the applicant has
21 at any time been convicted of a crime may
22 be used or released for immigration en-
23 forcement purposes.

24 “(E) CRIME.—Whoever knowingly uses,
25 publishes, or permits information to be exam-



1 ined in violation of this paragraph shall be fined
2 not more than \$10,000.

3 “(6) PENALTIES FOR FALSE STATEMENTS IN
4 APPLICATIONS.—Whoever files an application for ad-
5 justment of status under this section and knowingly
6 and willfully falsifies, misrepresents, conceals, or
7 covers up a material fact or makes any false, ficti-
8 tious, or fraudulent statements or representations,
9 or makes or uses any false writing or document
10 knowing the same to contain any false, fictitious, or
11 fraudulent statement or entry, shall be fined in ac-
12 cordance with title 18, United States Code, or im-
13 prisoned not more than 5 years, or both.

14 “(7) APPLICATION FEES.—

15 “(A) FEE SCHEDULE.—The Attorney Gen-
16 eral, in consultation with the Congress, shall
17 provide for a schedule of fees to be charged for
18 the filing of applications for adjustment under
19 this section. Such fees may not exceed \$100 per
20 individual or \$300 per family.

21 “(B) USE OF FEES.— The Attorney Gen-
22 eral shall deposit payments received under this
23 paragraph in a separate account and amounts
24 in such account shall be available, without fiscal
25 year limitation, to cover administrative and



1 other expenses incurred in connection with the
2 review of applications filed under this section.

3 “(e) WAIVER OF NUMERICAL LIMITATIONS AND CER-
4 TAIN GROUNDS FOR INADMISSIBILITY.—

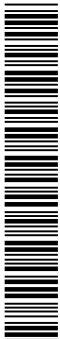
5 “(1) NUMERICAL LIMITATIONS DO NOT
6 APPLY.—The numerical limitations of sections 201
7 and 202 shall not apply to the adjustment of aliens
8 to lawful permanent resident status under this sec-
9 tion.

10 “(2) WAIVER OF GROUNDS FOR INADMISS-
11 SIBILITY.—In the determination of an alien’s admis-
12 sibility under this section, the following provisions
13 shall apply:

14 “(A) GROUNDS OF INADMISSIBILITY NOT
15 APPLICABLE.—The provisions of paragraphs
16 (5), (6)(A), (6)(C), (6)(F), (6)(G), (7)(A),
17 (9)(B), and (9)(C) of section 212(a) shall not
18 apply.

19 “(B) WAIVER OF OTHER GROUNDS.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), the Attorney General
22 may waive any other provision of section
23 212(a) in the case of individual aliens for
24 humanitarian purposes, to assure family



1 unity, or when it is otherwise in the public
2 interest.

3 “(ii) GROUNDS THAT MAY NOT BE
4 WAIVED.—The following provisions of sec-
5 tion 212(a) may not be waived by the At-
6 torney General under clause (i):

7 “(I) Paragraphs (2)(A) and
8 (2)(B) (relating to criminals).

9 “(II) Paragraph (2)(C) (relating
10 to drug offenses), except for so much
11 of such paragraph as relates to a sin-
12 gle offense of simple possession of 30
13 grams or less of marijuana.

14 “(III) Paragraph (3) (relating to
15 security and related grounds).

16 “(IV) Paragraph (4) (relating to
17 aliens likely to become public
18 charges).

19 Subclause (IV) (prohibiting the waiver of
20 section 212(a)(4)) shall not apply to an
21 alien who is or was an aged, blind, or dis-
22 abled individual (as defined in section
23 1614(a)(1) of the Social Security Act).

24 “(iii) SPECIAL RULE FOR DETERMINA-
25 TION OF PUBLIC CHARGE.—An alien is not



1 ineligible for adjustment of status under
2 this section due to being inadmissible
3 under section 212(a)(4) if the alien dem-
4 onstrates a history of employment in the
5 United States evidencing self-support with-
6 out receipt of public cash assistance.

7 “(C) MEDICAL EXAMINATION.—The alien
8 shall be required, at the alien’s expense, to un-
9 dergo such a medical examination (including a
10 determination of immunization status) as is ap-
11 propriate and conforms to generally accepted
12 professional standards of medical practice.

13 “(f) TEMPORARY STAY OF REMOVAL AND WORK AU-
14 THORIZATION FOR CERTAIN APPLICANTS.—

15 “(1) BEFORE APPLICATION PERIOD.—The At-
16 torney General shall provide that in the case of an
17 alien who is apprehended before the beginning of the
18 application period described in subsection (a)(1)(A)
19 and who can establish a prima facie case of eligi-
20 bility to have the alien’s status adjusted under this
21 section (but for the fact that the alien may not apply
22 for such adjustment until the beginning of such pe-
23 riod), until the alien has had the opportunity during
24 the first 120 days of the application period to com-



1 plete the filing of an application for adjustment, the
2 alien—

3 “(A) may not be removed from the United
4 States; and

5 “(B) shall be granted authorization to en-
6 gage in employment in the United States and
7 be provided an ‘employment authorized’ en-
8 dorsement or other appropriate work permit.

9 “(2) DURING APPLICATION PERIOD.—The At-
10 torney General shall provide that in the case of an
11 alien who presents a prima facie application for ad-
12 justment of status under this section during the ap-
13 plication period, and until a final determination on
14 the application has been made in accordance with
15 this section, including any judicial review thereof,
16 the alien—

17 “(A) may not be removed from the United
18 States; and

19 “(B) shall be granted authorization to en-
20 gage in employment in the United States and
21 be provided an ‘employment authorized’ en-
22 dorsement or other appropriate work permit.

23 “(3) ADVANCE PAROLE AUTHORITY.—The At-
24 torney General shall establish a process for the ap-
25 proval of advance parole (under section 212(d)(5))



1 for applicants to travel outside the United States
2 with prior approval in the case of—

3 “(A) business or family necessity; or

4 “(B) emergency or extenuating cir-
5 cumstances outside the control of the alien.

6 “(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

7 “(1) IN GENERAL.—There shall be no adminis-
8 trative or judicial review of a determination respect-
9 ing an application for adjustment of status under
10 this section except in accordance with this sub-
11 section.

12 “(2) ADMINISTRATIVE REVIEW.—

13 “(A) SINGLE LEVEL OF ADMINISTRATIVE
14 APPELLATE REVIEW.—The Attorney General
15 shall establish an appellate authority to provide
16 for a single level of administrative appellate re-
17 view of a determination described in paragraph
18 (1).

19 “(B) STANDARD FOR REVIEW.—Such ad-
20 ministrative appellate review shall be based
21 solely upon the administrative record estab-
22 lished at the time of the determination on the
23 application and upon such additional or newly
24 discovered evidence as may not have been avail-
25 able at the time of the determination.

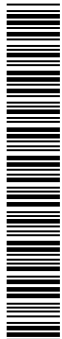


1 “(3) JUDICIAL REVIEW.—

2 “(A) DIRECT REVIEW.—A person whose
3 application for adjustment of status under this
4 section is denied after administrative appellate
5 review under paragraph (2) may seek review of
6 such denial before the United States district
7 court for the district in which such person re-
8 sides in accordance with chapter 7 of title 5,
9 United States Code.

10 “(B) REVIEW AFTER REMOVAL PRO-
11 CEEDINGS.—There shall be judicial review of
12 the denial of an application for adjustment of
13 status under this section in the judicial review
14 of an order of removal, deportation, or exclu-
15 sion, but only if the validity of the denial has
16 not been upheld in a prior judicial proceeding
17 under subparagraph (A). Notwithstanding any
18 other provision of law, the standard for review
19 of such a denial shall be governed by subpara-
20 graph (C).

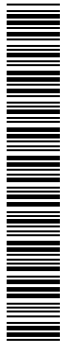
21 “(C) STANDARD FOR JUDICIAL REVIEW.—
22 Judicial review of a denial of an application
23 under this section shall be based solely upon the
24 administrative record established at the time of
25 the review. The findings of fact and other de-



1 terminations contained in the record shall be
2 conclusive unless the applicant can establish
3 abuse of discretion or that the findings are di-
4 rectly contrary to clear and convincing facts
5 contained in the record, considered as a whole.

6 “(D) JURISDICTION OF COURTS.—Not-
7 withstanding any other provision of law, the
8 district courts of the United States shall have
9 jurisdiction over any cause or claim arising
10 from a pattern or practice of the Attorney Gen-
11 eral in the operation or implementation of this
12 section that is arbitrary, capricious, or other-
13 wise contrary to law, and may order any appro-
14 priate relief. The district courts may order any
15 appropriate relief in accordance with the pre-
16 ceding sentence without regard to exhaustion,
17 ripeness, or other standing requirements, if the
18 court determines that resolution of such cause
19 or claim will serve judicial and administrative
20 efficiency or that a remedy would otherwise not
21 be reasonably available or practicable.

22 “(h) INAPPLICABILITY OF REMOVAL ORDER REIN-
23 STATEMENT.—Section 241(a)(5) shall not apply with re-
24 spect to an alien who is applying for adjustment of status
25 under this section.



1 “(i) IMPLEMENTATION OF SECTION.—

2 “(1) IN GENERAL.—Except as otherwise pro-
3 vided in this section, for comparable provisions of
4 this section and section 245A, the Attorney General
5 shall base the regulations prescribed to implement
6 this section on the regulations (as implemented after
7 judicial review) prescribed by the Attorney General
8 under section 245A(g) that were most recently in ef-
9 fect before the date of the enactment of this section.

10 “(2) IDENTITY.—

11 “(A) IN GENERAL.—The Attorney General,
12 after consultation with the Committees on the
13 Judiciary of the House of Representatives and
14 of the Senate, shall prescribe regulations with
15 respect to how an alien may establish his or her
16 identity for purposes of this section.

17 “(B) EVIDENCE.—The Attorney General
18 shall provide that the applicant may submit evi-
19 dence to establish his or her identity,
20 including—

- 21 “(i) attestations;
- 22 “(ii) photographs;
- 23 “(iii) rental records;
- 24 “(iv) medical records; and
- 25 “(v) employment records.



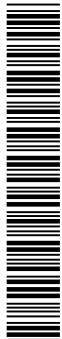
1 “(3) TREATMENT OF CERTAIN ABSENCES.—

2 “(A) WAIVER.—The Attorney General may
3 provide for a waiver, in the discretion of the At-
4 torney General, of an absence from the United
5 States that otherwise would be considered to
6 break a period of continuous residence in the
7 case of an absence from the United States due
8 merely to a brief temporary trip abroad re-
9 quired by—

10 “(i) business or family necessity; or

11 “(ii) emergency or extenuating cir-
12 cumstances outside the control of the alien.

13 “(B) ABSENCES CAUSED BY REMOVAL.—If
14 a waiver is granted pursuant to subsection
15 (e)(2)(B) for an alien who is inadmissible under
16 section 212(a)(9)(A) due to having been or-
17 dered removed, or having departed the United
18 States while an order of removal was out-
19 standing, the Attorney General shall provide
20 that any period of time during which the alien
21 is outside the United States because of such re-
22 moval or departure shall be disregarded in de-
23 termining any period of continuous residence or
24 presence in the United States for purposes of
25 this section.



1 “(j) DISSEMINATION OF INFORMATION ON LEGAL-
2 IZATION PROGRAM.—Beginning not later than the first
3 day of the application period described in subsection
4 (a)(1)(A), the Attorney General, in cooperation with quali-
5 fied designated entities, shall broadly disseminate informa-
6 tion respecting the benefits which aliens may receive under
7 this section and the requirements to obtain such bene-
8 fits.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 of such Act is amended by inserting after the item relating
11 to section 245A the following new item:

“Sec. 245B. Adjustment of status of certain long-term resident workers and
college-bound students to that of alien lawfully admitted for per-
manent residence.”.

12 **SEC. 3. FAMILY UNIFICATION.**

13 Section 201(c)(2) of the Immigration and Nationality
14 Act (8 U.S.C. 1151(c)(2)) is amended by striking “the
15 sum of the number of aliens described in subparagraphs
16 (A) and (B) of subsection (b)(2)” and inserting “the num-
17 ber of aliens described in subsection (b)(2)(B)”.

