

119TH CONGRESS
2^D SESSION

H. R. 8827

To amend the Immigration and Nationality Act to establish a national-interest standard for immigration, end certain family-sponsored immigration categories, revise standards relating to good moral character, eliminate the diversity immigrant category, revise public-charge and sponsor-support rules, revise naturalization requirements, reform employment-based immigration and H–1B visas, eliminate Optional Practical Training absent express statutory authorization, revise asylum procedures, require employment eligibility verification, establish additional penalties relating to unlawful presence and visa overstays, revise parole authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2026

Mr. OGLES (for himself, Mr. MOORE of Alabama, Mrs. MILLER of Illinois, Mr. LUTTRELL, Ms. BOEBERT, Mr. CRANE, Mr. NORMAN, Mr. SELF, and Mr. FINE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and Workforce, 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

A BILL

To amend the Immigration and Nationality Act to establish a national-interest standard for immigration, end certain family-sponsored immigration categories, revise standards relating to good moral character, eliminate the diversity immigrant category, revise public-charge and sponsor-support rules, revise naturalization requirements, reform employment-based immigration and H–1B visas, elimi-

nate Optional Practical Training absent express statutory authorization, revise asylum procedures, require employment eligibility verification, establish additional penalties relating to unlawful presence and visa overstays, revise parole authority, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
 5 “American System for Sustainable Immigration and Mass
 6 Immigration Limitations Achieved Through Imposing
 7 Oversight Nationally Act” or the “ASSIMILATION Act”.

8 (b) TABLE OF CONTENTS.—

Sec. 1. Short titles; table of contents.

TITLE I—FINDINGS, PURPOSES, DEFINITIONS, AND STANDARDS

Sec. 101. Findings.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. National interest standard.

TITLE II—IMMIGRANT AND NONIMMIGRANT CLASSIFICATIONS

Sec. 201. Family-sponsored immigration reform.

Sec. 202. Elimination of diversity immigrant category.

Sec. 203. Employment-based immigration.

Sec. 204. H-1B reforms.

Sec. 205. Optional practical training.

Sec. 206. Per-country limitations.

TITLE III—ADMISSION, INADMISSIBILITY, SPONSORSHIP, AND
 ADMINISTRATIVE AUTHORITY

Sec. 301. Public charge.

Sec. 302. Affidavits of support and sponsor financial requirements.

Sec. 303. Visa overstays.

Sec. 304. Parole.

Sec. 305. Limitations on enforcement discretion.

TITLE IV—NATURALIZATION AND CITIZENSHIP

Sec. 401. Good moral character.

Sec. 402. Naturalization.
 Sec. 403. Documentation of citizenship at birth.

TITLE V—ASYLUM, INSPECTION, DETENTION, AND
 UNACCOMPANIED ALIEN CHILDREN

Sec. 501. Asylum.
 Sec. 502. Credible fear and expedited removal.
 Sec. 503. Family detention.
 Sec. 504. Unaccompanied alien children.

TITLE VI—EMPLOYMENT ELIGIBILITY VERIFICATION AND LABOR
 PROTECTIONS

Sec. 601. Employment eligibility verification.
 Sec. 602. H-2a wage methodology.

TITLE VII—CONFORMING AMENDMENTS; REPORTS; EFFECTIVE
 DATES; APPLICABILITY; SEVERABILITY

Sec. 701. Reports.
 Sec. 702. Effective dates.
 Sec. 703. Applicability and transition provisions.
 Sec. 704. Severability.

1 **TITLE I—FINDINGS, PURPOSES,**
 2 **DEFINITIONS, AND STANDARDS**

3 **SEC. 101. FINDINGS.**

4 Congress finds the following:

5 (1) The Immigration and Nationality Act
 6 Amendments of 1965 (Public Law 89–236; com-
 7 monly known as the “Hart-Celler Act”), fundamen-
 8 tally changed the United States immigration system
 9 by replacing the national origins quota system with
 10 a preference system giving priority to extended fam-
 11 ily-based immigration rather than basing the admis-
 12 sion of immigrants on serving the national interest.

13 (2) The immigration system established by the
 14 Hart-Celler Act has—

1 (A) produced consequences that differ sub-
2 stantially from the goals described by the Act's
3 original proponents, including—

4 (i) unprecedented levels of chain mi-
5 gration;

6 (ii) the creation of the diversity visa
7 lottery under section 203(c) of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1153(c)); and

10 (iii) dramatic increases in overall im-
11 migration levels;

12 (B) placed strain on public resources;

13 (C) suppressed wages and decreased labor-
14 market opportunities for United States workers;
15 and

16 (D) tested the ability of the people of the
17 United States to promote assimilation and so-
18 cial cohesion.

19 (3) Given that immigration to the United
20 States is not an entitlement, Congress has plenary
21 authority to establish immigration policy that will
22 serve the economic, cultural, and national security
23 interests of the United States.

24 (4) The Immigration and Nationality Act (8
25 U.S.C. 1101 et seq.) employs the concept of the na-

1 tional interest in multiple contexts, including em-
2 ployment-based immigration, but does not provide a
3 generally applicable statutory standard for national-
4 interest determinations made for employment-selec-
5 tion purposes.

6 (5) Clear definitions and evidentiary rules pro-
7 mote transparency, consistency, and faithful admin-
8 istration of Federal immigration laws.

9 **SEC. 102. PURPOSES.**

10 The purposes of this Act are—

11 (1) to ensure immigration policy advances the
12 national interest by establishing a universal national
13 interest standard under which each visa issuance,
14 admission, and adjustment of status affirmatively
15 furthers the economic prosperity, cultural cohesion,
16 and national security of the United States, as deter-
17 mined by the Secretary of Homeland Security under
18 the criteria set forth in this Act; and

19 (2) to revise and repeal the central framework
20 established by the Hart-Celler Act by replacing fam-
21 ily-chain and lottery-based admissions with a merit-
22 based system that prioritizes economic self-suffi-
23 ciency, cultural assimilation, and the protection of
24 United States workers.

1 **SEC. 103. DEFINITIONS.**

2 Section 101(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1101(a)) is amended by adding at the end
4 the following:

5 “(54) The term ‘means-tested public benefit’—

6 “(A) means a cash, medical, housing, nutrition,
7 or other similar public benefit for which eligibility,
8 amount, or duration is conditioned, in whole or in
9 part, on income, resources, or financial need; and

10 “(B) does not include—

11 “(i) emergency medical assistance;

12 “(ii) short-term, non-cash, in-kind emer-
13 gency disaster relief;

14 “(iii) public health assistance for immuni-
15 zations or for the testing or treatment of symp-
16 toms of a communicable disease;

17 “(iv) assistance or benefits under the Rich-
18 ard B. Russell National School Lunch Act (42
19 U.S.C. 1751 et seq.) or the Child Nutrition Act
20 of 1966 (42 U.S.C. 1771 et seq.);

21 “(v) foster care or adoption assistance for
22 which an exception is provided under Federal
23 law; or

24 “(vi) in-kind community-level services nec-
25 essary for the protection of life or safety, as

1 designated by regulation after consultation with
2 appropriate Federal agencies.

3 “(55) The term ‘National Interest Occupation’ means
4 an occupation so designated by the Secretary of Homeland
5 Security pursuant to section 203(b)(4).

6 “(56) The term ‘objective evidence’—

7 “(A) means independently verifiable evidence,
8 including official records, government data, audited
9 records, binding instruments, contemporaneous busi-
10 ness records, or other reliable documentation; and

11 “(B) does not include unsupported assertions,
12 self-serving statements standing alone, or speculative
13 projections.”.

14 **SEC. 104. NATIONAL INTEREST STANDARD.**

15 Section 101 of the Immigration and Nationality Act
16 (8 U.S.C. 1101) is amended by adding at the end the fol-
17 lowing:

18 “(j) NATIONAL INTEREST STANDARD.—

19 “(1) APPLICATION.—This subsection shall only
20 apply to provisions of this Act that expressly ref-
21 erence this subsection.

22 “(2) STANDARD.—An alien’s admission, classi-
23 fication, employment, or proposed endeavor shall be
24 deemed to be in the national interest only if such
25 alien establishes, by a preponderance of objective

1 evidence, that such admission, classification, employ-
2 ment, or proposed endeavor is expected to produce
3 a material prospective public benefit for the United
4 States.

5 “(3) PUBLIC BENEFIT.—A material prospective
6 public benefit referred to in paragraph (2) may in-
7 clude a significant benefit to the economic, cultural,
8 educational, scientific, technological, health, foreign-
9 policy, or security interests of the United States.

10 “(4) LIMITATIONS.—A determination under
11 paragraph (2) or (3) may not be based solely on—

12 “(A) the private interest of the alien or of
13 a petitioning employer;

14 “(B) unsupported testimonial assertions or
15 generalized advocacy;

16 “(C) speculative, remote, or incidental ben-
17 efits; or

18 “(D) a factor that a more specific provi-
19 sion of this Act makes legally insufficient for
20 the benefit sought.

21 “(5) RULES OF CONSTRUCTION.—Nothing in
22 this subsection may be construed—

23 “(A) to alter the burden of proof required
24 under section 291;

1 “(B) to displace a more specific statutory
2 criterion, evidentiary requirement, limitation, or
3 bar under this Act;

4 “(C) to govern any use of the term ‘na-
5 tional interest’ in this Act unless the relevant
6 provision expressly references this subsection;
7 or

8 “(D) to apply to section 103(a)(1).”.

9 **TITLE II—IMMIGRANT AND NON-**
10 **IMMIGRANT CLASSIFICA-**
11 **TIONS**

12 **SEC. 201. FAMILY-SPONSORED IMMIGRATION REFORM.**

13 (a) IMMEDIATE RELATIVE REDEFINED.—Section
14 201(b)(2)(A)(i) of the Immigration and Nationality Act
15 (8 U.S.C. 1151(b)(2)(A)(i)) is amended, in the first sen-
16 tence, by striking “children, spouses, and parents” and all
17 that follows through “21 years of age” and inserting
18 “spouses and unmarried children under 18 years of age
19 of a citizen of the United States”.

20 (b) MODIFICATION OF FAMILY-SPONSORED PREF-
21 ERENCE CLASSIFICATION.—

22 (1) IN GENERAL.—Subsection (a) of section
23 203 of such Act (8 U.S.C. 1153) is amended to read
24 as follows:

1 “(a) SPOUSES AND MINOR CHILDREN OF LAWFUL
2 PERMANENT RESIDENTS.—Visas shall be made available,
3 subject to section 201(c), to qualified immigrants who are
4 the spouses or children under 18 years of age of an alien
5 lawfully admitted for permanent residence.”.

6 (2) WORLDWIDE LEVEL OF FAMILY-SPONSORED
7 IMMIGRANTS.—Section 201(c) of such Act (8 U.S.C.
8 1151(c)) is amended—

9 (A) by amending paragraph (1) to read as
10 follows:

11 “(A) IN GENERAL.—The worldwide level of
12 family-sponsored immigrants under this sub-
13 section for a fiscal year is equal to—

14 “(i) 88,000; reduced by

15 “(ii) the number computed under
16 paragraph (2).”;

17 (B) by striking paragraphs (2), (3), and
18 (5); and

19 (C) by redesignating paragraph (4) as
20 paragraph (2).

21 (c) NONIMMIGRANT CLASSIFICATION FOR PARENTS
22 OF UNITED STATES CITIZENS.—

23 (1) IN GENERAL.—Section 101(a)(15) of such
24 Act (8 U.S.C. 1101(a)(15)) is amended—

1 (A) in subparagraph (T)(ii)(III), by strik-
2 ing the period at the end and inserting a semi-
3 colon;

4 (B) in subparagraph (U)(iii), by striking “;
5 or” and inserting a semicolon;

6 (C) in subparagraph (V)(ii)(II), by striking
7 the period at the end and inserting “; or”; and

8 (D) by adding at the end the following:

9 “(W) subject to section 214(s), an alien
10 who is the parent of a citizen of the United
11 States, if such citizen has attained 21 years of
12 age.”.

13 (2) CONDITIONS FOR ADMISSION.—Section 214
14 of such Act (8 U.S.C. 1184) is amended by adding
15 at the end the following:

16 “(s) PARENTS OF CITIZENS OF THE UNITED
17 STATES.—

18 “(1) PERIOD OF ADMISSION.—The initial period
19 of admission for an alien admitted as a non-
20 immigrant described in section 101(a)(15)(W) shall
21 be 5 years.

22 “(2) EXTENSION.—Such period may be ex-
23 tended only if the United States citizen sponsor re-
24 sides in the United States.

1 “(3) INELIGIBILITY FOR EMPLOYMENT AND
2 PUBLIC BENEFITS.—An alien admitted pursuant to
3 a visa for a nonimmigrant described in section
4 101(a)(15)(W) shall be ineligible for employment
5 and ineligible for any Federal, State, or local public
6 benefit.

7 “(4) FINANCIAL RESPONSIBILITY.—The United
8 States citizen sponsor shall be financially responsible
9 for the support of such alien.

10 “(5) HEALTH INSURANCE.—Admission as a
11 nonimmigrant described in section 101(a)(15)(W)
12 shall require proof of health insurance coverage that
13 does not impose any cost on the alien or on a Fed-
14 eral, State, or local government.

15 “(6) NO IMMIGRANT STATUS CREATED.—Ad-
16 mission as a nonimmigrant described section
17 101(a)(15)(W) shall not be construed to confer eligi-
18 bility for immigrant classification or adjustment of
19 status except as otherwise expressly provided by
20 law.”.

21 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
22 The Immigration and Nationality Act (8 U.S.C. 1101 et
23 seq.) is amended—

24 (1) in section 101(a)(15)(V) (8 U.S.C.
25 1101(a)(15)(V)), by striking “section 203(a)(2)(A)”

1 each place such term appears and inserting “section
2 203(a)”;

3 (2) in section 201(f) (8 U.S.C. 1151(f))—

4 (A) in paragraph (1), by striking “the age
5 requirement in the matter preceding subpara-
6 graph (A) of section 101(b)(1)” and inserting
7 “the age requirement applicable to classification
8 under such subsection”;

9 (B) in paragraph (2), by striking “section
10 203(a)(2)(A)” and inserting “section 203(a)”;

11 (C) by striking paragraph (3);

12 (D) by redesignating paragraph (4) as
13 paragraph (3); and

14 (E) in paragraph (3), as redesignated, by
15 striking “(1) through (3)” and inserting “(1)
16 and (2)”;

17 (3) in section 203(h), by amending paragraph
18 (2) to read as follows:

19 “(2) PETITION DESCRIBED.—The petition de-
20 scribed in this paragraph is, with respect to an alien
21 child who is a derivative beneficiary under subsection
22 (d), a petition filed under section 204 for classifica-
23 tion of the alien’s parent under subsection (a) or
24 (b).”;

25 (4) in section 204 (8 U.S.C. 1154)—

- 1 (A) in subsection (a)—
- 2 (i) in paragraph (1)—
- 3 (I) in subparagraph (A)—
- 4 (aa) in clause (i), by striking
- 5 “paragraph (1), (3), or (4) of”;
- 6 and
- 7 (bb) by striking clause (vii);
- 8 (II) in subparagraph (B)—
- 9 (aa) in clause (i)—
- 10 (AA) by redesignating
- 11 the second subclause (I) as
- 12 subclause (II) and moving
- 13 such subclause 4 ems to the
- 14 left; and
- 15 (BB) in subclause (I),
- 16 by striking “203(a)(2)” and
- 17 inserting “203(a)”; and
- 18 (bb) by striking
- 19 “203(a)(2)(A)” each place such
- 20 term appears and inserting
- 21 “203(a)”; and
- 22 (III) in subparagraph (D)(i)(I)—
- 23 (aa) by striking “21 years of
- 24 age” each place such term ap-

1 pears and inserting “18 years of
2 age”; and

3 (bb) by striking “a peti-
4 tioner for preference status under
5 paragraph (1), (2), or (3) of sec-
6 tion 203(a)” and inserting “an
7 individual younger than 18 years
8 of age for purposes of adjudi-
9 cating such petition and for pur-
10 poses of admission as an imme-
11 diate relative under section
12 201(b)(2)(A)(i) or a family-spon-
13 sored immigrant under section
14 203(a), as applicable.”; and

15 (ii) in paragraph (2)(A)—

16 (I) in the matter preceding clause
17 (i), by striking “second preference”;
18 and

19 (II) in the matter at the end, by
20 striking “the term” and all that fol-
21 lows through “section 203(a)(2),” and
22 inserting “the term ‘spousal petition’
23 refers to a petition seeking classifica-
24 tion under section 203(a)”;

1 (B) in subsection (f)(1), by striking “,
2 203(a)(1), or 203(a)(3), as appropriate”;

3 (C) by striking subsection (k); and

4 (D) by redesignating subsection (l) as sub-
5 section (k);

6 (5) in section 212 (8 U.S.C. 1182)—

7 (A) in subsection (a)(6)(E)(ii), by striking
8 “section 203(a)(2)” and inserting “section
9 203(a)”; and

10 (B) in subsection (d)(11), by striking
11 “(other than paragraph (4) thereof)”;

12 (6) in section 213A(f)(5)(B)(ii) (8 U.S.C.
13 1183a(f)(5)(B)(ii)), by striking “section 204(l)” and
14 inserting “204(k)”;

15 (7) in section 214(q)(1)(B)(i) (8 U.S.C.
16 1184(q)(1)(B)(i)), by striking “section
17 203(a)(2)(A)” each place such term appears and in-
18 serting “section 203(a)”;

19 (8) in section 216(h)(1)(C) (8 U.S.C.
20 1186a(h)(1)(C)), by striking “section 203(a)(2)”
21 and inserting “section 203(a)”;

22 (9) in section 237(a)(1)(E)(ii) (8 U.S.C.
23 1227(a)(1)(E)(ii)), by striking “section 203(a)(2)”
24 and inserting “section 203(a)”.

1 **SEC. 202. ELIMINATION OF DIVERSITY IMMIGRANT CAT-**
2 **EGORY.**

3 (a) **IN GENERAL.**—The Immigration and Nationality
4 Act (8 U.S.C. 1101 et seq.) is amended—

5 (1) in section 201 (8 U.S.C. 1151)—

6 (A) in subsection (a)—

7 (i) in paragraph (1), by striking the
8 semicolon and inserting “; and”;

9 (ii) in paragraph (2), by striking “;
10 and” and inserting a period; and

11 (iii) by striking paragraph (3); and

12 (B) by striking subsection (e); and

13 (2) in section 203 (8 U.S.C. 1153(c)), by strik-
14 ing subsection (c).

15 (b) **TECHNICAL AND CONFORMING AMENDMENTS.**—
16 The Immigration and Nationality Act (8 U.S.C. 1101 et
17 seq.) is amended—

18 (1) in section 203 (8 U.S.C. 1153)—

19 (A) in subsection (d), by striking “under
20 subsection (a), (b), or (c)” and inserting “under
21 subsection (a) or (b)”;

22 (B) in subsection (e)—

23 (i) by striking paragraph (2); and

24 (ii) by redesignating paragraph (3) as
25 paragraph (2);

1 (C) in subsection (f), by striking “or in
2 subsection (a), (b), or (c)” and inserting “or in
3 subsection (a) or (b)”; and

4 (D) in subsection (g), by striking “sub-
5 sections (a), (b), and (c)” and inserting “sub-
6 sections (a) and (b)”; and

7 (2) in section 204—

8 (A) in subsection (a)(1)—

9 (i) by striking subparagraph (I); and

10 (ii) by redesignating subparagraphs
11 (J) and (K) as subparagraphs (I) and (J),
12 respectively; and

13 (B) in subsection (e), by striking “in be-
14 half” and all that follows through “section 203”
15 and inserting “on behalf of whom a petition
16 under this section is approved, to be admitted
17 to the United States as an immigrant under
18 subsection (a) or (b) of section 203”.

19 (c) APPLICATION.—

20 (1) IN GENERAL.—The amendments made by
21 this section shall apply only with respect to petitions
22 and applications pending on, or filed on or after, the
23 date of the enactment of this Act.

24 (2) PRIOR DIVERSITY VISA SELECTIONS.—An
25 alien selected before the date of the enactment of

1 this Act for a diversity immigrant visa under section
2 203(c) of the Immigration and Nationality Act, as
3 in effect on the day before such date of enactment,
4 is not eligible, on or after that date, to receive a visa
5 on the basis of that selection, and no petition or ap-
6 plication based on that selection may be approved,
7 and no immigrant visa may be issued to the alien on
8 the basis of that selection, on or after that date.

9 **SEC. 203. EMPLOYMENT-BASED IMMIGRATION.**

10 (a) **STABILIZING THE WORLDWIDE LEVEL OF EM-**
11 **PLOYMENT-BASED IMMIGRANTS.**—Section 201(d) of the
12 Immigration and Nationality Act (8 U.S.C. 1151(d)) is
13 amended to read as follows:

14 “(d) **WORLDWIDE LEVEL OF EMPLOYMENT-BASED**
15 **IMMIGRANTS.**—The worldwide level of employment-based
16 immigrants granted visas in each fiscal year pursuant to
17 section 203(b) shall be not more than 140,000.”.

18 (b) **ALLOCATION OF EMPLOYMENT-BASED IMMI-**
19 **GRANT VISAS.**—Section 203(b) of the Immigration and
20 Nationality Act (8 U.S.C. 1153(b)) is amended to read
21 as follows:

22 “(b) **EMPLOYMENT-BASED IMMIGRANTS.**—

23 “(1) **IN GENERAL.**—Visas shall be made avail-
24 able, subject to section 201(d), to qualified immi-
25 grants whose admission has been certified by the

1 Secretary of Homeland Security to be in the na-
2 tional interest in accordance with section 101(j)(2).

3 “(2) STANDARD FOR CERTIFICATION.—The
4 Secretary of Homeland Security shall make the cer-
5 tification described in paragraph (1) with respect to
6 an alien if the alien has established, by a preponder-
7 ance of the evidence, that—

8 “(A) he or she satisfies at least 1 presump-
9 tive positive factor described in paragraph (3);

10 “(B) none of the grounds of inadmissibility
11 listed under paragraph (6) applies to him or
12 her; and

13 “(C) all presumptive negative factors de-
14 scribed in paragraph (5) have been rebutted.

15 “(3) PRESUMPTIVE POSITIVE FACTORS.—

16 “(A) HIGH COMPENSATION.—The alien
17 has a bona fide offer of employment in the
18 United States for which he or she will receive
19 a salary, or has verified his or her ability to
20 generate self-employment income in the United
21 States, that is at or above the 90th percentile
22 salary for the most relevant occupation code
23 and area of intended employment, as deter-
24 mined under regulations prescribed by the Sec-

1 retary of Homeland Security, in consultation
2 with the Secretary of Labor.

3 “(B) NATIONAL INTEREST OCCUPATION OR
4 SHORTAGE SERVICE.—

5 “(i) NATIONAL INTEREST OCCUPA-
6 TION.—The alien has a bona fide offer of
7 employment in a National Interest Occupa-
8 tion for which he or she will receive a sal-
9 ary that is at or above the 75th percentile
10 salary for the relevant occupation code and
11 area of intended employment.

12 “(ii) SHORTAGE POSITION.—The alien
13 has committed to provide full-time service
14 for a period of not fewer than 5 years in
15 a federally designated medical, mental-
16 health, dental, veterans, or other statu-
17 torily designated shortage position, in ac-
18 cordance with regulations prescribed by the
19 Secretary of Homeland Security, in con-
20 sultation with the Secretary of Labor.

21 “(C) STRATEGIC FEDERAL SUPPORT.—

22 “(i) IN GENERAL.—The alien has re-
23 ceived a written certification that—

24 “(I) was executed by—

1 “(aa) the head of a Federal
2 department or agency designated
3 under clause (ii); or

4 “(bb) a Senate-confirmed of-
5 ficer of a Federal department or
6 agency designated under clause
7 (ii) who was appointed by the
8 head of such department or agen-
9 cy to execute certifications under
10 this clause;

11 “(II) identifies a published na-
12 tional priority of the United States
13 that is materially related to the alien’s
14 proposed work; and

15 “(III) states the alien’s proposed
16 work materially advances such na-
17 tional priority.

18 “(ii) DESIGNATED DEPARTMENTS
19 AND AGENCIES.—The Federal departments
20 and agencies designated under this clause
21 are—

22 “(I) the Department of Defense;

23 “(II) the Department of Energy;

24 “(III) the Department of Com-
25 merce;

1 “(IV) the Department of Health
2 and Human Services;

3 “(V) the Department of Agri-
4 culture;

5 “(VI) the Department of Vet-
6 erans Affairs;

7 “(VII) the National Aeronautics
8 and Space Administration;

9 “(VIII) the National Science
10 Foundation; and

11 “(IX) any other Federal depart-
12 ment or agency that has been so des-
13 ignated by an Act of Congress.

14 “(iii) DEFINED TERM.—In this sub-
15 paragraph, the term ‘published national
16 priority’ means a priority identified in a
17 published strategy, plan, directive, funding
18 announcement, or other official document
19 of the applicable Federal department or
20 agency.

21 “(D) EXTRAORDINARY ABILITY.—The
22 alien demonstrates sustained national or inter-
23 national acclaim in a field materially related to
24 the alien’s proposed endeavor in the United

1 States by providing evidence that satisfies at
2 least 3 of the following criteria:

3 “(i) Receipt of a major nationally or
4 internationally recognized prize or award
5 for excellence in the field, supported by ob-
6 jective evidence of the selectivity, prestige,
7 and significance of the prize or award.

8 “(ii) Authorship of scholarly articles,
9 major published works, patented inven-
10 tions, or other original contributions of
11 major significance in the field.

12 “(iii) Evidence that the alien’s work
13 has been widely cited, adopted, licensed,
14 commercialized, implemented, or otherwise
15 materially relied upon by recognized public
16 or private entities in the field.

17 “(iv) Participation, by invitation or
18 selection based on expertise, as a judge,
19 peer reviewer, evaluator, or member of a
20 selection panel for the work of others in
21 the same or an allied field.

22 “(v) Service in a leading or critical ca-
23 pacity for an entity with a distinguished
24 reputation, supported by objective evidence

1 of the significance of the alien’s contribu-
2 tions.

3 “(vi) Commanding compensation, eq-
4 uity, or other remuneration demonstrating
5 exceptional standing in the field, as estab-
6 lished by objective market evidence.

7 “(E) ENTREPRENEURSHIP AND INNOVA-
8 TION.—The alien provides reliable evidence
9 that—

10 “(i) a startup entity in which the alien
11 holds a substantial ownership interest and
12 central managerial role has received—

13 “(I) not less than \$500,000 in
14 qualified investment from qualified
15 United States investors; or

16 “(II) not less than \$200,000 in
17 qualifying Federal, State, or local re-
18 search, development, or commer-
19 cialization funding;

20 “(ii) the investment or funding re-
21 ferred to in clause (i) is documented by
22 binding investment instruments, grant
23 award documents, audited capitalization
24 records, or such other objective evidence as

1 the Secretary of Homeland Security may
2 prescribe;

3 “(iii) such entity has a credible plan
4 to create not fewer than 5 full-time jobs
5 for workers in the United States during
6 the 3-year period beginning on the date on
7 which the alien is admitted to the United
8 States; and

9 “(iv) the alien’s claim does not rely
10 solely on self-valued assets, unaudited in-
11 ternal valuations, or unsupported projec-
12 tions.

13 “(4) NATIONAL INTEREST OCCUPATION LIST.—

14 “(A) IN GENERAL.—The Secretary of
15 Homeland Security, in consultation with the
16 Secretary of Labor, shall establish and main-
17 tain a list of occupations designated as National
18 Interest Occupations for purposes of paragraph
19 (3)(B)(i).

20 “(B) STANDARD.—An occupation may be
21 included on the list established pursuant to sub-
22 paragraph (A) only if the Secretary of Home-
23 land Security determines, based on objective
24 evidence, that such occupation is associated
25 with persistent labor shortages, strategic na-

1 tional need, or other circumstances dem-
2 onstrating that employment in such occupation
3 materially advances the economic, cultural, or
4 security interests of the United States.

5 “(C) PUBLICATION.—The list established
6 pursuant to subparagraph (A), and any addi-
7 tions to, or removals from, such list, shall be
8 published in the Federal Register.

9 “(D) PERIODIC REVIEW.—Not less fre-
10 quently than once every 4 years, the Secretary
11 of Homeland Security, in consultation with the
12 Secretary of Labor, shall—

13 “(i) review the list established pursu-
14 ant to subparagraph (A); and

15 “(ii) add occupations to, or remove oc-
16 cupations from, such list, as appropriate.

17 “(5) PRESUMPTIVE NEGATIVE FACTORS.—Un-
18 less rebutted under paragraph (7), there is a pre-
19 sumption that an alien’s request for certification
20 under paragraph (1) should be denied if any of the
21 following factors exists:

22 “(A) SUB-MEDIAN COMPENSATION.—With
23 respect to the alien’s most recent employment,
24 the alien received compensation that was lower
25 than—

1 “(i) the median wage for the relevant
2 occupation code and area of intended em-
3 ployment; or

4 “(ii) the required prevailing wage in
5 circumstances where a prevailing wage de-
6 termination is required.

7 “(B) LIMITED ENGLISH PROFICIENCY.—
8 The alien’s English proficiency is at a level that
9 is lower than English level B1 on the Common
10 European Framework of Reference scale, or its
11 equivalent, unless the alien meets the criteria
12 described in subparagraph (C) or (D) of para-
13 graph (3) or another exception prescribed by
14 regulation.

15 “(C) SERIOUS EMPLOYER LABOR NON-
16 COMPLIANCE.—There has been a final order of
17 debarment or other final determination of seri-
18 ous labor law noncompliance during the 5-year
19 period immediately preceding a request for cer-
20 tification under paragraph (1) against the peti-
21 tioning employer or startup entity.

22 “(D) INSUFFICIENT SHOWING OF SELF-
23 SUFFICIENCY.—The alien fails to establish,
24 through objective evidence, the present ability
25 and prospective capacity to support himself or

1 herself in the United States without reliance on
2 means-tested public benefits.

3 “(6) GROUNDS OF INADMISSIBILITY.—The Sec-
4 retary of Homeland Security may not grant a certifi-
5 cation to any alien who is inadmissible under para-
6 graph (2), (3), or (6)(C) of section 212(a), unless a
7 waiver to such ground of inadmissibility is available
8 and granted under this Act.

9 “(7) NOTICE AND REBUTTAL.—Before denying
10 certification under paragraph (1) on the basis of a
11 factor described in paragraph (5), the Secretary of
12 Homeland Security shall—

13 “(A) provide written notice to the peti-
14 tioner that identifies the applicable presumptive
15 negative factors; and

16 “(B) provide the alien not fewer than 60
17 days to submit evidence to rebut such factors.

18 “(8) PRIORITY ORDER WHEN VISA DEMAND EX-
19 CEEDS SUPPLY.—

20 “(A) IN GENERAL.—If the number of
21 aliens eligible for certification under this sub-
22 section in a fiscal year exceeds the number of
23 visas available under this subsection in such fis-
24 cal year, the Secretary of Homeland Security

1 shall prioritize the available visas in the fol-
2 lowing order:

3 “(i) Aliens who meet a factor de-
4 scribed in subparagraph (C) or (D) of
5 paragraph (3).

6 “(ii) Aliens who meet a factor de-
7 scribed in paragraph (3)(B).

8 “(iii) Aliens who meet a factor de-
9 scribed in paragraph (3)(A).

10 “(iv) Aliens who meet a factor de-
11 scribed in paragraph (3)(E).

12 “(B) PRIORITY ORDER WITHIN A SUB-
13 GROUP.—If the number of aliens described in
14 any clause under subparagraph (A) in a fiscal
15 year exceeds the number of visas available for
16 such aliens in such fiscal year, the Secretary of
17 Homeland Security shall prioritize the available
18 visas in the following order:

19 “(i) Aliens who will be receiving a sal-
20 ary or generating self-employment income
21 at a higher applicable wage percentile.

22 “(ii) Earliest priority date.

23 “(9) RULEMAKING.—Not later than 180 days
24 after the date of the enactment of the ASSIMILA-
25 TION Act, the Secretary of Homeland Security shall

1 prescribe regulations to carry out this subsection, in-
2 cluding rules for—

- 3 “(A) occupational wage mapping;
4 “(B) English-equivalency standards;
5 “(C) qualified investment requirements;
6 “(D) employer noncompliance penalties;
7 and
8 “(E) self-sufficiency requirements.

9 “(10) DERIVATIVE ALIENS.—A spouse or child
10 described in section 203(d) who is accompanying or
11 following to join a principal alien granted a visa
12 under this subsection shall be entitled to the same
13 status and the same order of consideration as such
14 principal alien.”.

15 **SEC. 204. H-1B REFORMS.**

16 (a) LABOR CONDITION REQUIREMENTS.—Section
17 212(n) of the Immigration and Nationality Act (8 U.S.C.
18 1182(n)) is amended by adding at the end the following:

19 “(6)(A) No application under this subsection
20 may be approved unless the employer attests, and
21 the Secretary concurs, that the wage level for the
22 position to be filled by the H-1B nonimmigrant is
23 not less than 200 percent of the median wage for
24 the occupational classification code in the area of in-
25 tended employment.

1 “(B) The Secretary of Homeland Security, to
2 the maximum extent practicable and consistent with
3 this Act, shall prioritize petitions filed on behalf of
4 aliens who have earned a degree in science, tech-
5 nology, engineering, or mathematics from an institu-
6 tion of higher education in the United States.”.

7 (b) NUMERICAL LIMITATION AND PERIOD OF ADMIS-
8 SION.—Section 214(g) of the Immigration and Nationality
9 Act (8 U.S.C. 1184(g)) is amended—

10 (1) by striking paragraphs (5) and (6) and in-
11 serting the following:

12 “(5) The numerical limitations under paragraph
13 (1)(A) shall not apply to a petition filed on behalf of an
14 alien employed, or to be employed, by an institution or
15 organization if the Secretary of Homeland Security deter-
16 mines such employment affirmatively serves the economic,
17 cultural, or security interests of the United States, as de-
18 scribed in section 101(h).

19 “(6) An alien previously approved pursuant to para-
20 graph (5) shall be counted toward the numerical limita-
21 tions under paragraph (1)(A) upon the first approval of
22 a petition filed by an employer that does not qualify under
23 paragraph (5) unless the alien has previously been counted
24 toward such limitations.”; and

25 (2) by adding at the end the following:

1 “(12)(A) Notwithstanding any other provision of this
2 subsection, the total number of aliens who may be issued
3 visas or otherwise provided status as nonimmigrants under
4 section 101(a)(15)(H)(i)(b) in any fiscal year may not ex-
5 ceed 50,000.

6 “(B) An alien may not be accorded status under sec-
7 tion 101(a)(15)(H)(i)(b) for a period exceeding 3 years.
8 Such status may not be extended or renewed.

9 “(C) An alien who has been granted status as a non-
10 immigrant under section 101(a)(15)(H)(i)(b) may not ad-
11 just his or her status to that of an alien lawfully admitted
12 for permanent residence unless the alien remains outside
13 of the United States for a continuous period of not less
14 than 2 years following the expiration of such status.”.

15 **SEC. 205. OPTIONAL PRACTICAL TRAINING.**

16 Section 274A(h) of the Immigration and Nationality
17 Act (8 U.S.C. 1324a(h)) is amended by adding at the end
18 the following:

19 “(4) An alien admitted as a nonimmigrant de-
20 scribed in section 101(a)(15)(F)(i) shall not be con-
21 sidered authorized to be employed in the United
22 States.”.

23 **SEC. 206. PER COUNTRY LIMITATIONS.**

24 Section 202 of the Immigration and Nationality Act
25 (8 U.S.C. 1152) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2), by striking “Subject
3 to paragraphs (3), (4), and (5), the” and in-
4 serting “The”; and

5 (B) by striking paragraphs (3), (4), and
6 (5); and

7 (2) by amending subsection (e) to read as fol-
8 lows:

9 “(e) ALLOCATION OF VISA NUMBERS FOR COUN-
10 TRIES AT PER COUNTRY CEILING.—

11 “(1) IN GENERAL.—If the Secretary of State
12 determines the total number of immigrant visas
13 made available under subsections (a) and (b) of sec-
14 tion 203 to natives of a single foreign state or de-
15 pendent area will exceed the numerical limitation
16 specified in subsection (a)(2) in a fiscal year, immi-
17 grant visa numbers for natives of that foreign state
18 or dependent area shall be allocated in accordance
19 with paragraph (2).

20 “(2) ALLOCATION BETWEEN FAMILY-SPON-
21 SORED AND EMPLOYMENT-BASED IMMIGRANTS.—

22 The total number of immigrant visa described in
23 paragraph (1) shall be allocated, to the extent prac-
24 ticable and consistent with this section and section
25 203, in a manner so that the ratio of the number

1 of visas made available under section 203(a) to the
2 number of visas made available under section 203(b)
3 is equal to the ratio of the worldwide level of family-
4 sponsored immigrants under section 201(c) to the
5 worldwide level of employment-based immigrants
6 under section 201(d).”.

7 **TITLE III—ADMISSION, INADMIS-**
8 **SIBILITY, SPONSORSHIP, AND**
9 **ADMINISTRATIVE AUTHORITY**

10 **SEC. 301. PUBLIC CHARGE.**

11 (a) INADMISSIBILITY.—Section 212(a)(4) of the Im-
12 migration and Nationality Act (8 U.S.C. 1182(a)(4)) is
13 amended—

14 (1) by amending subparagraph (A) to read as
15 follows:

16 “(A) IN GENERAL.—Any alien who, in the
17 opinion of the consular officer at the time of
18 application for a visa, or in the opinion of the
19 Secretary of Homeland Security at the time of
20 application for admission or adjustment of sta-
21 tus, and based on objective evidence and the to-
22 tality of the circumstances described in sub-
23 paragraph (B), fails to establish the present
24 ability and prospective capacity to support the
25 alien and the alien’s dependents in the United

1 States without reliance on means-tested public
2 benefits is inadmissible.”;

3 (2) by amending subparagraph (B) to read as
4 follows:

5 “(B) FACTORS TO BE TAKEN INTO AC-
6 COUNT.—In determining whether an alien is in-
7 admissible under this paragraph, the consular
8 officer or the Secretary of Homeland Security
9 shall consider, based on objective evidence and
10 the totality of the circumstances, at a min-
11 imum, the alien’s—

12 “(i) age;

13 “(ii) health;

14 “(iii) family status;

15 “(iv) assets, resources, liabilities, and
16 financial status;

17 “(v) education and skills;

18 “(vi) employment history, prospective
19 employability, and expected lawful means
20 of support;

21 “(vii) history of receipt of means-test-
22 ed public benefits, if any;

23 “(viii) English proficiency;

1 “(ix) such assimilation-related factors
2 as the Secretary of Homeland Security
3 may prescribe; and

4 “(x) any affidavit of support required
5 under section 213A and any bond posted
6 under section 213 or 213A(g).”; and

7 (3) by adding at the end the following:

8 “(F) PRESUMPTION FROM BENEFIT DE-
9 PENDENCY.—

10 “(i) IN GENERAL.—An alien who is
11 subject to this paragraph shall be pre-
12 sumed to have become a public charge if
13 the alien receives one or more means-tested
14 public benefits for more than 12 months in
15 the aggregate within any 36-month period,
16 such that receipt of two benefits in one
17 month shall count as two months.

18 “(ii) REBUTTAL.—The presumption
19 under clause (i) may be rebutted only
20 through objective evidence establishing
21 that the receipt of benefits—

22 “(I) was directly attributable to
23 circumstances that arose after the
24 alien’s admission or adjustment of
25 status;

1 “(II) was not reasonably foresee-
2 able at the time of such admission or
3 adjustment; and

4 “(III) is not indicative of a
5 present inability or prospective inca-
6 pacity to remain self-sufficient in the
7 United States.

8 “(iii) RULE OF CONSTRUCTION.—
9 Nothing in this subparagraph may be con-
10 strued to limit the authority of the con-
11 sular officer or the Secretary of Homeland
12 Security to determine, under the totality of
13 the circumstances, that an alien is inad-
14 missible under this paragraph, notwith-
15 standing that the alien has not received
16 benefits in the amount or duration de-
17 scribed in clause (i).”.

18 (b) DEPORTABILITY.—Paragraph (5) of section
19 237(a) of such Act (8 U.S.C. 1227(a)) is amended to read
20 as follows:

21 “(5) PUBLIC CHARGE.—Any alien who, at any
22 time after the date of admission as an immigrant or
23 adjustment of status to that of an alien lawfully ad-
24 mitted for permanent residence, has become a public
25 charge, including any alien subject to section

1 212(a)(4) who meets the presumption described in
2 section 212(a)(4)(F), is deportable, unless the alien
3 establishes, through objective evidence, that the
4 cause arose after such admission or adjustment from
5 circumstances that were not reasonably foreseeable
6 at the time of such admission or adjustment.”.

7 (c) RESCISSION OF ADJUSTMENT OF STATUS.—Sec-
8 tion 246(a) of such Act (8 U.S.C. 1256(a)) is amended
9 by inserting after the first sentence the following: “For
10 purposes of the preceding sentence, a person shall be con-
11 sidered not to have been in fact eligible for adjustment
12 of status if, at any time after the date of adjustment, the
13 person meets the presumption described in section
14 212(a)(4)(F), unless the person establishes, through ob-
15 jective evidence, that the cause arose after adjustment
16 from circumstances that were not reasonably foreseeable
17 at the time of adjustment.”.

18 (d) SAVINGS PROVISION.—Nothing in the amend-
19 ments made by this section may be construed to repeal
20 or narrow any exemption from section 212(a)(4) of the
21 Immigration and Nationality Act (8 U.S.C. 1182(a)(4))
22 that is expressly provided elsewhere in such Act or in any
23 other Act of Congress.

24 (e) RULEMAKING.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of Home-

1 land Security, in consultation with the Secretary of State
2 and the Secretary of Health and Human Services, shall
3 prescribe regulations to carry out this section and the
4 amendments made by this section.

5 **SEC. 302. AFFIDAVITS OF SUPPORT AND SPONSOR FINAN-**
6 **CIAL REQUIREMENTS.**

7 Section 213A of the Immigration and Nationality Act
8 (8 U.S.C. 1183a) is amended—

9 (1) in subsection (a)(1)—

10 (A) in subparagraph (A), by striking “125
11 percent” and inserting “200 percent”; and

12 (B) in subparagraph (B), by striking “(as
13 defined in subsection (e))”;

14 (2) in subsection (b)—

15 (A) in paragraph (1)(A), by striking
16 “Upon notification that a sponsored alien has
17 received any means-tested public benefit” and
18 inserting “Not later than 30 days after receiv-
19 ing notice or other reliable evidence that a
20 sponsored alien has received any means-tested
21 public benefit”; and

22 (B) in paragraph (2)(A), by striking “45
23 days” and inserting “30 days”;

24 (3) in subsection (c), in the second sentence, by
25 inserting “, including administrative offset under

1 section 3716 of such title and any lien authorized
2 under subsection (g)” before the period at the end;

3 (4) in subsection (f)—

4 (A) in paragraph (1)(E), by striking “125
5 percent” and inserting “200 percent”;

6 (B) in paragraph (4)(B)(i), by striking
7 “125 percent” and inserting “200 percent”;

8 and

9 (C) in paragraph (5)(A), by striking “125
10 percent” and inserting “200 percent”;

11 (5) by inserting after subsection (f) the fol-
12 lowing:

13 “(g) SPONSOR BOND AND LIENS.—

14 “(1) BOND REQUIRED.—An affidavit of support
15 accepted under this section shall not be considered
16 sufficient unless each sponsor and joint sponsor
17 whose income or assets are relied upon to satisfy
18 subsection (f) has posted, with respect to each spon-
19 sored alien, a bond or other surety satisfactory to
20 the Secretary of Homeland Security in an amount
21 not less than \$20,000.

22 “(2) CONDITIONS.—A bond under paragraph
23 (1) shall be conditioned on—

24 “(A) compliance with the sponsor’s support
25 obligations under subsection (a);

1 “(B) reimbursement of any means-tested
2 public benefit described in subsection (b); and

3 “(C) payment of any civil penalty or collec-
4 tion cost lawfully assessed under this section.

5 “(3) PERIOD OF EFFECTIVENESS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), a bond under paragraph (1) shall
8 remain in effect until the earlier of—

9 “(i) the date that is 10 years after the
10 date of the sponsored alien’s admission or
11 adjustment of status;

12 “(ii) that date of the sponsored alien’s
13 naturalization as a citizen of the United
14 States;

15 “(iii) the date of the sponsored alien’s
16 death; or

17 “(iv) the date of the sponsored alien’s
18 permanent departure from the United
19 States.

20 “(B) TREATMENT OF LIABILITIES IN-
21 CURRED.—Liability incurred before the termi-
22 nation date under subparagraph (A) shall re-
23 main enforceable until satisfied.

24 “(4) FORFEITURE.—If a sponsor fails to reim-
25 burse amounts due under subsection (b) within 30

1 days after a final written demand, the Secretary of
2 Homeland Security or the requesting governmental
3 entity may declare the bond forfeited in an amount
4 sufficient to satisfy the unpaid obligation, together
5 with interest, administrative costs, and costs of col-
6 lection.

7 “(5) LIENS.—Any amount finally determined
8 and unpaid under this section shall constitute a debt
9 due the United States. Upon notice and opportunity
10 for a hearing, the United States may record a lien
11 in favor of the United States on all property and
12 rights to property, whether real or personal, of the
13 sponsor, and may enforce such debt under sub-
14 section (c) and subchapter II of chapter 37 of title
15 31, United States Code.

16 “(6) REGULATIONS.—The Secretary of Home-
17 land Security, in consultation with the Secretary of
18 State and the Secretary of the Treasury, shall pre-
19 scribe regulations governing bond form, surety, for-
20 feiture, lien notice, hearing rights, and release.”; and

21 (6) in subsection (i)—

22 (A) in paragraph (2), by striking “Attor-
23 ney General” and inserting “Secretary of
24 Homeland Security”; and

25 (B) in paragraph (3)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “Attorney General”
3 and inserting “Secretary of Homeland Se-
4 curity”;

5 (ii) in subparagraph (A), by striking
6 “; and” and inserting a semicolon;

7 (iii) in subparagraph (B), by striking
8 the period at the end and inserting a semi-
9 colon; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(C) the number of reimbursement re-
13 quests issued under subsection (b)(1)(A), the
14 number of actions brought under subsection
15 (b)(2), the number of bond forfeitures under
16 subsection (g), and the total dollar amount re-
17 covered under this section during such fiscal
18 year.”.

19 **SEC. 303. VISA OVERSTAYS.**

20 (a) VOIDING NONIMMIGRANT VISAS THAT HAVE EX-
21 PIRED OR FOR NONCOMPLIANCE.—Section 222(g) of the
22 Immigration and Nationality Act (8 U.S.C. 1202(g)) is
23 amended to read as follows:

24 “(g)(1) The nonimmigrant visa of an alien who has
25 been admitted to the United States shall be void beginning

1 on the date (excluding any period tolled under section
2 212(a)(9)(B)(iv)) that is 10 days after—

3 “(A) the last day of such alien’s authorized pe-
4 riod of stay under such visa; or

5 “(B) the date on which U.S. Immigration and
6 Customs Enforcement determines such alien—

7 “(i) has materially failed to maintain the
8 nonimmigrant status in which such alien was
9 admitted or to which it was changed under sec-
10 tion 248; or

11 “(ii) has materially fails to comply with the
12 conditions of such status.

13 “(2) An alien described in paragraph (1) shall be in-
14 eligible to be readmitted to the United States as a non-
15 immigrant, except—

16 “(A) on the basis of a visa (other than the visa
17 described in paragraph (1)) issued in a consular of-
18 fice located in the country of the alien’s nationality
19 (or, if there is no office in such country, in such
20 other consular office as the Secretary of State shall
21 specify); or

22 “(B) if the Secretary of State determines the
23 existence of extraordinary circumstances justifying
24 such readmission.

1 “(3) The provisions of this subsection are in addition
2 to, and not in lieu of, any ground of inadmissibility or
3 deportability or any criminal or civil penalty otherwise pro-
4 vided by law.”.

5 (b) OVERSTAY OFFENSE AND PENALTIES.—Section
6 275 of the Immigration and Nationality Act (8 U.S.C.
7 1325) is amended—

8 (1) in subsection (a), by inserting “or if the
9 alien was previously convicted of an offense under
10 subsection (e)(2)(A)” after “for a subsequent com-
11 mission of any such offense”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking “at least
14 \$50 and not more than \$250” and inserting
15 “not less than \$500 and not more than
16 \$1,000”; and

17 (B) in paragraph (2), by inserting “or sub-
18 section (e)(2)(B)” after “under this sub-
19 section”; and

20 (3) by adding at the end the following:

21 “(e)(1) An alien who was admitted as a non-
22 immigrant violates this subsection if the alien, for an ag-
23 gregate of 10 days or more (excluding any period tolled
24 under section 212(a)(9)(B)(iv))—

1 “(A) remains in the United States beyond the
2 period of stay authorized by the Secretary of Home-
3 land Security; or

4 “(B) materially fails to maintain the non-
5 immigrant status in which the alien was admitted or
6 to which it was changed under section 248, or mate-
7 rially fails otherwise to comply with the conditions of
8 such status.

9 “(2) An alien who violates paragraph (1)—

10 “(A) shall—

11 “(i) for the first commission of such viola-
12 tion, be fined under title 18, United States
13 Code, imprisoned for not more than 6 months,
14 or both; and

15 “(ii) for a subsequent commission of such
16 violation, or if the alien was previously con-
17 victed of an offense under subsection (a), be
18 fined under such title 18, imprisoned not more
19 than 2 years, or both; and

20 “(B) in addition to any penalty assessed under
21 subparagraph (A) and any other criminal or civil
22 penalties that otherwise may be imposed, shall be
23 subject to a civil penalty of—

24 “(i) not less than \$500 and not more than
25 \$1,000 for each violation; or

1 “(ii) twice the amount specified in clause
2 (i), in the case of an alien who has been pre-
3 viously subject to a civil penalty under this sub-
4 paragraph or subsection (b).”.

5 **SEC. 304. PAROLE.**

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

8 (1) by striking “(5)(A) The Secretary” and all
9 that follows through the period at the end of sub-
10 paragraph (A) and inserting the following:

11 “(5)(A)(i) The Secretary of Homeland Security may,
12 except as provided in subparagraph (B) or in section
13 214(f), in the discretion of the Secretary, parole into the
14 United States temporarily, for a period not to exceed 90
15 days and under such conditions as the Secretary may pre-
16 scribe, only on a case-by-case basis for urgent humani-
17 tarian reasons or significant public benefit, as set forth
18 in a written determination, any alien applying for admis-
19 sion to the United States.

20 “(ii) Parole of an alien under clause (i) shall not be
21 regarded as an admission of the alien, and when the pur-
22 poses of such parole have been served, the alien shall
23 forthwith return or be returned to the custody from which
24 the alien was paroled, and thereafter the alien’s case shall
25 continue to be dealt with in the same manner as that of

1 any other applicant for admission to the United States.”;
2 and

3 (2) by adding at the end the following:

4 “(D) NO EXTENSION ABSENT ACT OF CON-
5 GRESS.—Parole granted under subparagraph (A)(i)
6 may not be extended, renewed, or granted again be-
7 yond an aggregate period of 90 days unless an Act
8 of Congress expressly authorizes such longer period.

9 “(E) NO CATEGORICAL OR PROGRAMMATIC PA-
10 ROLE.—Parole under subparagraph (A)(i) may not
11 be granted on a categorical, class-wide, or pro-
12 grammatic basis, and may not be used to circumvent
13 any numerical limitation, refugee admission process
14 under section 207, labor certification requirement,
15 or other limitation or requirement under this Act.

16 “(F) RECORD RETENTION.—The Secretary of
17 Homeland Security shall retain each written deter-
18 mination under subparagraph (A)(i) for not less
19 than 10 years.”.

20 **SEC. 305. LIMITATIONS ON ENFORCEMENT DISCRETION.**

21 Section 103 of the Immigration and Nationality Act
22 (8 U.S.C. 1103) is amended by adding at the end the fol-
23 lowing:

24 “(h) LIMITATIONS ON ENFORCEMENT DISCRE-
25 TION.—

1 “(1) NO CATEGORICAL NONENFORCEMENT.—
2 Except as expressly authorized by this Act or by any
3 other Act of Congress, the Secretary of Homeland
4 Security and the Attorney General may not adopt,
5 implement, or rely upon a policy, memorandum,
6 rule, order, or program that prospectively exempts
7 or purports to exempt a class or category of aliens
8 from inspection, apprehension, detention, initiation
9 of removal proceedings, adjudication of removability,
10 or execution of final orders of removal.

11 “(2) NO CATEGORICAL DEFERRED ACTION OR
12 SIMILAR NONENFORCEMENT STATUS.—Except as ex-
13 pressly authorized by this Act or by any other Act
14 of Congress, the Secretary of Homeland Security
15 and the Attorney General may not grant deferred
16 action or any similar form of categorical nonenforce-
17 ment status to a class or category of aliens.

18 “(3) CASE-BY-CASE DEFERRALS.—Nothing in
19 this subsection may be construed to preclude an in-
20 dividualized decision, supported by a written deter-
21 mination, to defer a specific enforcement action for
22 a period not to exceed 180 days, which may be re-
23 newed only upon a new written determination, on
24 the basis of—

25 “(A) a serious medical emergency;

1 “(B) the alien’s material assistance as a
2 witness, victim, or informant in a criminal, civil,
3 or administrative investigation or proceeding;

4 “(C) a compelling national security or law
5 enforcement interest; or

6 “(D) another compelling humanitarian cir-
7 cumstance of comparable gravity specifically de-
8 scribed in the written determination.

9 “(4) NO IMMIGRATION STATUS OR BENEFIT
10 CREATED.—A deferral granted pursuant to para-
11 graph (3)—

12 “(A) does not constitute an admission, pa-
13 role, or lawful status of an alien; and

14 “(B) may not serve as the basis for em-
15 ployment authorization, advance parole, adjust-
16 ment of status, or eligibility for any Federal
17 public benefit, unless expressly authorized by
18 this Act or by any other Act of Congress.

19 “(5) OPERATIONAL SEQUENCING.—Nothing in
20 this subsection may be construed as prohibiting ordi-
21 nary case-specific decisions regarding sequencing,
22 scheduling, or resource allocation if such decisions
23 do not amount violated the categorical nonenforce-
24 ment prohibition described in paragraph (1).”.

1 **TITLE IV—NATURALIZATION**
2 **AND CITIZENSHIP**

3 **SEC. 401. GOOD MORAL CHARACTER.**

4 (a) EXPANDED STATUTORY BARS.—Section 101(f)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1101(f)) is amended—

7 (1) in paragraph (8), by striking “or” at the
8 end;

9 (2) in paragraph (9), by striking the period at
10 the end and inserting “; or”; and

11 (3) by inserting after paragraph (9) the fol-
12 lowing:

13 “(10) one who has been convicted of any felony
14 under Federal, State, or local law;

15 “(11) during the period for which good moral
16 character is required to be established, one who has
17 been convicted of 1 or more misdemeanors under
18 Federal, State, or local law;

19 “(12) one who has been found, by a final ad-
20 ministrative or judicial determination, to have vio-
21 lated this Act or any of the immigration laws, in-
22 cluding by failing to maintain lawful status or by
23 overstaying a period of authorized admission by
24 more than 180 days;

1 “(13) one who has engaged in fraud or willful
2 misrepresentation in applying for, obtaining, or re-
3 taining any Federal, State, or local public benefit;

4 “(14) one who is described in section 212(a)(3)
5 or 237(a)(4), or who has knowingly participated in
6 a criminal street gang (as defined in section 521(a)
7 of title 18, United States Code), as established by
8 clear and convincing evidence;

9 “(15) during such period, one who has been
10 convicted of an offense involving the operation of a
11 motor vehicle while under the influence of alcohol or
12 drugs, or an offense described in section
13 237(a)(2)(E); or

14 “(16) one who has willfully failed to satisfy a
15 Federal tax liability or a legally enforceable child-
16 support obligation, as established by a final adminis-
17 trative or judicial determination.”.

18 (b) TOTALITY OF CIRCUMSTANCES IN NATURALIZA-
19 TION CASES.—Section 316(e) of such Act (8 U.S.C.
20 1427(e)) is amended—

21 (1) by striking “(e) In determining” and insert-
22 ing the following:

23 “(e) GOOD MORAL CHARACTER DETERMINATION.—

24 “(1) IN GENERAL.—In determining”; and

25 (2) by adding at the end the following:

1 “(2) CONSIDERATIONS.—In making such deter-
2 mination, the Secretary of Homeland Security may
3 consider the totality of the circumstances, including
4 criminal history, employment history, tax compli-
5 ance, compliance with support obligations, and civic
6 conduct, and may require objective documentary evi-
7 dence of such matters.”.

8 **SEC. 402. NATURALIZATION.**

9 (a) ENGLISH REQUIREMENT.—Section 312 of the
10 Immigration and Nationality Act (8 U.S.C. 1423) is
11 amended—

12 (1) in subsection (a), by striking paragraph (1)
13 and inserting the following:

14 “(1) an understanding of the English language,
15 including the ability to read, write, speak, and com-
16 prehend English at a proficiency level not lower than
17 B2 of the Common European Framework of Ref-
18 erence for Languages, or an equivalent standard
19 prescribed by regulation; and”;

20 (2) in subsection (b)—

21 (A) by striking paragraphs (2) and (3);

22 and

23 (B) in paragraph (1), by striking “(1) The
24 requirements” and inserting “The require-
25 ments”.

1 (b) GENERAL RESIDENCE PERIOD AND OTHER
2 QUALIFICATIONS.—Section 316(a) of such Act (8 U.S.C.
3 1427(a)) is amended—

4 (1) by striking “applicant,” and inserting “ap-
5 plicant—”;

6 (2) by striking “(1) immediately” and inserting
7 the following:

8 “(1) immediately”;

9 (3) in paragraph (1)—

10 (A) by striking “five years” each place
11 such term appears and inserting “10 years”;
12 and

13 (B) by striking “three months,” and in-
14 sserting “3 months;”;

15 (4) in paragraph (2)—

16 (A) by striking “(2) has resided” and in-
17 sserting the following:

18 “(2) has resided”;

19 (B) by striking “, and” and inserting a
20 semicolon;

21 (5) in paragraph (3)—

22 (A) by striking “(3) during” and inserting
23 the following:

24 “(4) during”; and

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (6) by adding at the end the following:

4 “(4) during the 10-year period immediately pre-
5 ceding the date of filing an application for natu-
6 ralization, has complied with all Federal tax filing
7 and payment obligations, or is in full compliance
8 with an approved payment arrangement;

9 “(5) during such period, has not received a
10 means-tested public benefit, except as expressly ex-
11 empted under section 101(a)(54); and

12 “(6) has demonstrated civic integration through
13 objective evidence prescribed by regulation, which
14 may include compliance with registration require-
15 ments under the Military Selective Service Act, as
16 applicable, and verified civic participation or commu-
17 nity service.”.

18 (c) SPOUSES OF CITIZENS.—Section 319(a) of such
19 Act (8 U.S.C. 1430(a)) is amended by striking “three
20 years” each place such term appears and inserting “10
21 years”.

22 (d) APPLICATION EVIDENCE.—Section 334(a) of
23 such Act (8 U.S.C. 1445(a)) is amended by adding at the
24 end the following: “An application for naturalization shall
25 include official Federal tax return transcripts, or such

1 other official tax records as the Secretary of Homeland
2 Security may prescribe, for each taxable year within the
3 period for which continuous residence and good moral
4 character must be established, together with such addi-
5 tional objective evidence as the Secretary may require to
6 establish compliance with sections 312 and 316.”.

7 **SEC. 403. DOCUMENTATION OF CITIZENSHIP AT BIRTH.**

8 (a) CLARIFICATION OF CITIZENSHIP AT BIRTH.—
9 Section 301 of the Immigration and Nationality Act (8
10 U.S.C. 1401) is amended by adding at the end the fol-
11 lowing:

12 “(i) For purposes of subsection (a), a person born
13 in the United States shall be considered ‘subject to the
14 jurisdiction thereof’ only if, at the time of the person’s
15 birth, at least 1 parent of the person was—

16 “(1) a citizen or national of the United States;
17 or

18 “(2) an alien lawfully admitted for permanent
19 residence.

20 “(j) For purposes of any Federal right, privilege, doc-
21 umentation, or benefit for which citizenship under sub-
22 section (a) is material, proof of birth in the United States
23 shall not, standing alone, be conclusive evidence of citizen-
24 ship unless accompanied by objective evidence, as pre-

1 scribed by regulation, that the person satisfies subsection
2 (i).”.

3 (b) CERTIFICATE OF CITIZENSHIP.—Section 341(a)
4 of such Act (8 U.S.C. 1452(a)) is amended—

5 (1) in the first sentence, by inserting “, or who
6 claims to be a citizen of the United States by virtue
7 of subsection (a) of section 301, as qualified by sub-
8 section (i) of such section,” after “under the provi-
9 sions of section 303 of this title”; and

10 (2) in the second sentence, by striking “that the
11 applicant’s alleged citizenship was derived as
12 claimed, or acquired, as the case may be,” and in-
13 sserting “that the applicant’s alleged citizenship was
14 derived, acquired, or established, as the case may be,
15 under the provision of law claimed,”.

16 (c) REGULATIONS.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary of
18 State and the Secretary of Homeland Security shall jointly
19 prescribe regulations to carry out the amendments made
20 by this section, including regulations governing objective
21 evidence of parental citizenship, nationality, or lawful per-
22 manent resident status at the time of birth.

1 **TITLE V—ASYLUM, INSPECTION,**
2 **DETENTION, AND UNACCOM-**
3 **PANIED ALIEN CHILDREN**

4 **SEC. 501. ASYLUM.**

5 (a) SAFE THIRD COUNTRY AND TRANSIT BAR.—Sec-
6 tion 208(a)(2)(A) of the Immigration and Nationality Act
7 (8 U.S.C. 1158(a)(2)(A)) is amended—

8 (1) by striking “if the Attorney General deter-
9 mines” and inserting “if the Secretary of Homeland
10 Security or the Attorney General determines—”;

11 (2) by striking “that the alien may be removed”
12 and inserting the following:

13 “(i) that the alien may be removed”;

14 (3) by striking “, pursuant to a bilateral or
15 multilateral agreement, to” and inserting “to”;

16 (4) by inserting “or the Secretary of Homeland
17 Security, on a case-by-case basis,” before “finds
18 that”;

19 (5) by striking the period at the end and insert-
20 ing “; or”; and

21 (6) by adding at the end the following:

22 “(ii) that the alien entered, attempted
23 to enter, or arrived in the United States
24 after transiting through at least 1 country
25 outside of the alien’s country of citizen-

1 ship, nationality, or last lawful habitual
2 residence en route to the United States,
3 unless—

4 “(I) the alien demonstrates that
5 the alien applied for protection from
6 persecution or torture in at least 1
7 country outside of the alien’s country
8 of citizenship, nationality, or last law-
9 ful habitual residence through which
10 the alien transited en route to the
11 United States and received a final
12 judgment denying such protection in
13 each such country;

14 “(II) the alien demonstrates that
15 the alien was a victim of a severe
16 form of trafficking in persons and, as
17 a result of such trafficking, was un-
18 able to apply for protection from per-
19 secution or torture in each country
20 through which the alien transited en
21 route to the United States; or

22 “(III) the only countries through
23 which the alien transited en route to
24 the United States were, at the time of
25 transit, not parties to the 1951

1 United Nations Convention relating to
2 the Status of Refugees, the 1967 Pro-
3 tocol Relating to the Status of Refu-
4 gees, or the United Nations Conven-
5 tion against Torture and Other Cruel,
6 Inhuman or Degrading Treatment or
7 Punishment.”.

8 (b) PENDING EMPLOYMENT AUTHORIZATION.—Sec-
9 tion 208(d)(2) of such Act (8 U.S.C. 1158(d)(2)) is
10 amended to read as follows:

11 “(2) EMPLOYMENT.—An applicant for asylum
12 is not entitled to employment authorization, and em-
13 ployment authorization may not be granted solely on
14 the basis of a pending application for asylum under
15 this section.”.

16 (c) ASYLUM FILING FEE.—Section 208(d)(3) of such
17 Act (8 U.S.C. 1158(d)(3)) is amended to read as follows:

18 “(3) FEES.—The fee for filing an application
19 for asylum under this section shall be \$500. The At-
20 torney General shall impose fees for employment au-
21 thorization under this section and for adjustment of
22 status under section 209(b). Nothing in this para-
23 graph shall be construed to limit the authority of the
24 Attorney General to set additional adjudication and

1 naturalization fees in accordance with section
2 286(m).”.

3 (d) CONFORMING AMENDMENT RELATING TO UNAC-
4 COMPANIED ALIEN CHILDREN.—Section 208(a)(2)(E) of
5 such Act (8 U.S.C. 1158(a)(2)(E)) is amended by striking
6 “Subparagraphs (A) and (B)” and inserting “Subpara-
7 graph (B)”.

8 (e) JURISDICTION OF ASYLUM APPLICATIONS FILED
9 BY UNACCOMPANIED ALIEN CHILDREN.—Section
10 208(b)(3) of such Act (8 U.S.C. 1158(b)(3)) is amended
11 by striking subparagraph (C).

12 (f) ADDITIONAL CONSEQUENCE FOR FRIVOLOUS AP-
13 PPLICATIONS.—Section 208(d)(6) of such Act (8 U.S.C.
14 1158(d)(6)) is amended by inserting “, and, if the alien
15 is ordered removed, may not be admitted to the United
16 States during the 10-year period beginning on the date
17 of the alien’s departure or removal” before the period at
18 the end.

19 **SEC. 502. CREDIBLE FEAR AND EXPEDITED REMOVAL.**

20 (a) HIGHER CREDIBLE FEAR STANDARD.—Section
21 235(b)(1)(B)(v) of the Immigration and Nationality Act
22 (8 U.S.C. 1225(b)(1)(B)(v)) is amended to read as fol-
23 lows:

24 “(v) CREDIBLE FEAR OF PERSECU-
25 TION DEFINED.—For purposes of this sub-

1 paragraph, the term ‘credible fear of perse-
2 cution’ means that, taking into account the
3 credibility of the statements made by the
4 alien in support of the alien’s claim, as de-
5 termined pursuant to section
6 208(b)(1)(B)(iii), and such other facts as
7 are known to the officer, the alien more
8 likely than not could establish eligibility for
9 asylum under section 208, and, more likely
10 than not, the statements made by, and on
11 behalf of, the alien in support of the alien’s
12 claim are true.”.

13 (b) RECORDING AND QUALITY ASSURANCE.—

14 (1) IN GENERAL.—Section 235(b)(1)(B) of
15 such Act (8 U.S.C. 1225(b)(1)(B)) is amended by
16 adding at the end the following:

17 “(vi) RECORDING AND QUALITY AS-
18 SURANCE.—The Secretary of Homeland
19 Security shall—

20 “(I) establish quality-assurance
21 procedures to ensure, to the maximum
22 extent practicable, that questions
23 asked by employees of the Depart-
24 ment of Homeland Security exercising
25 expedited-removal authority under

1 this section are asked in a uniform
2 manner and that both such questions
3 and the answers provided in response
4 are recorded in a uniform manner;

5 “(II) provide to immigration offi-
6 cers exercising decision-making au-
7 thority in interviews under this sub-
8 paragraph a checklist of standard
9 questions and concepts to be ad-
10 dressed in all such interviews;

11 “(III) require that such check-
12 lists be routinely updated to reflect
13 relevant changes in law and procedure
14 and, at a minimum, require concise
15 written justifications of the officer’s
16 decision whether credible fear of per-
17 secution was or was not established;

18 “(IV) where practicable, ensure
19 that any sworn or signed written
20 statement taken of an alien as part of
21 the record of a proceeding under sub-
22 paragraph (A) is accompanied by a
23 recording of the interview that served
24 as the basis for that statement;

1 “(V) ensure that a competent in-
2 terpreter, not affiliated with the gov-
3 ernment of the country from which
4 the alien may claim asylum, is used
5 when the interviewing officer does not
6 speak a language understood by the
7 alien;

8 “(VI) ensure that there is an
9 audio or audiovisual recording of
10 interviews of aliens subject to expe-
11 dited removal under this paragraph;
12 and

13 “(VII) include any recording
14 under subclause (VI) in the record of
15 proceeding, where practicable, and
16 permit such recording to be consid-
17 ered in any further proceeding involv-
18 ing the alien.”.

19 (2) RULE OF CONSTRUCTION.—Nothing in this
20 subsection, or the amendment made by this sub-
21 section, shall be construed to create any right, ben-
22 efit, trust, or responsibility, whether substantive or
23 procedural, enforceable in law or equity by any party
24 against the United States, its departments, agencies,
25 instrumentalities, entities, officers, employees, or

1 agents, or any other person, nor shall such section
2 or amendment be construed to create any right of
3 review in any administrative, judicial, or other pro-
4 ceeding.

5 **SEC. 503. FAMILY DETENTION.**

6 (a) IN GENERAL.—Section 235 of the William Wil-
7 berforce Trafficking Victims Protection Reauthorization
8 Act of 2008 (8 U.S.C. 1232) is amended by adding at
9 the end the following:

10 “(j) CONSTRUCTION.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, judicial determination, consent de-
13 cree, or settlement agreement—

14 “(A) the detention of any alien child who
15 is not an unaccompanied alien child shall be
16 governed by sections 217, 235, 236, and 241 of
17 the Immigration and Nationality Act (8 U.S.C.
18 1187, 1225, 1226, 1231); and

19 “(B) there is no presumption that an alien
20 child who is not an unaccompanied alien child
21 should not be detained.

22 “(2) FAMILY DETENTION.—The Secretary of
23 Homeland Security shall—

24 “(A) maintain the care and custody of any
25 alien who—

1 “(i) is charged only with a mis-
2 demeanor offense under section 275(a) of
3 the Immigration and Nationality Act (8
4 U.S.C. 1325(a)); and

5 “(ii) entered the United States with
6 the alien child of such alien, during the pe-
7 riod during which such charge is pending;
8 and

9 “(B) detain the alien with the alien child
10 of such alien.

11 “(3) ALIEN CHILD DEFINED.—The term ‘alien
12 child’ means an individual who—

13 “(A) has not attained 18 years of age; and

14 “(B) is an alien, as that term is defined in
15 section 101(a) of the Immigration and Nation-
16 ality Act (8 U.S.C. 1101(a)).”.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the amendment made by subsection (a) is in-
19 tended to satisfy the requirements of the Settlement
20 Agreement in *Flores v. Meese*, No. 85–4544 (C.D. Cal.),
21 as approved by the court on January 28, 1997, with re-
22 spect to its interpretation in *Flores v. Johnson*, 212 F.
23 Supp. 3d 864 (C.D. Cal. 2015), that the agreement ap-
24 plies to accompanied minors.

1 (c) **PREEMPTION OF STATE LICENSING REQUIRE-**
2 **MENTS.**—Notwithstanding any other provision of law, ju-
3 dicial determination, consent decree, or settlement agree-
4 ment, no State may require that an immigration detention
5 facility used to detain children who have not attained 18
6 years of age, or families consisting of 1 or more such chil-
7 dren and the parents or legal guardians of such children,
8 that is located in that State, be licensed by the State or
9 any political subdivision thereof.

10 (d) **EFFECTIVE DATE.**—The amendment made by
11 subsection (a) shall—

12 (1) take effect on the date of enactment of this
13 Act; and

14 (2) apply to all actions that occur before, on, or
15 after such date.

16 **SEC. 504. UNACCOMPANIED ALIEN CHILDREN.**

17 (a) **REPATRIATION AND SCREENING.**—Section
18 235(a) of the William Wilberforce Trafficking Victims
19 Protection Reauthorization Act of 2008 (8 U.S.C.
20 1232(a)) is amended—

21 (1) in paragraph (2)—

22 (A) in the paragraph heading, by striking
23 **SPECIAL RULES FOR CHILDREN FROM CONTIG-**
24 **UOUS COUNTRIES** and inserting “**RULES FOR**
25 **UNACCOMPANIED ALIEN CHILDREN**”;

1 (B) in subparagraph (A)—

2 (i) in the matter preceding clause (i),
3 by striking “who is a national or habitual
4 resident of a country that is contiguous
5 with the United States”;

6 (ii) in clause (i), by inserting “and”
7 after the semicolon;

8 (iii) in clause (ii), by striking “; and”
9 and inserting a period; and

10 (iv) by striking clause (iii); and

11 (C) in subparagraph (B)—

12 (i) in the matter preceding clause (i),
13 by striking “may”;

14 (ii) in clause (i), by inserting “may”
15 before “permit such child”; and

16 (iii) in clause (ii), by inserting “shall”
17 before “return such child”;

18 (2) in paragraph (3), in the paragraph heading,
19 by striking “OTHER CHILDREN” and inserting
20 “CHILDREN NOT MEETING PARAGRAPH (2)(A)”;

21 (3) in paragraph (5)(D)—

22 (A) in the matter preceding clause (i), by
23 striking “, except for an unaccompanied alien
24 child from a contiguous country subject to ex-
25 ceptions under subsection (a)(2),” and inserting

1 “who does not meet the criteria listed in para-
2 graph (2)(A)”; and

3 (B) in clause (i), by inserting before the
4 semicolon at the end the following: “, which
5 shall include a hearing before an immigration
6 judge not later than 14 days after being
7 screened under paragraph (4)”.

8 (b) CUSTODY, TRANSFER, AND NOTIFICATION.—Sec-
9 tion 235(b) of such Act (8 U.S.C. 1232(b)) is amended—

10 (1) in paragraph (2)—

11 (A) in subparagraph (A), by inserting “be-
12 lieved not to meet the criteria listed in sub-
13 section (a)(2)(A)” before the semicolon at the
14 end; and

15 (B) in subparagraph (B), by inserting
16 “and does not meet the criteria listed in sub-
17 section (a)(2)(A)” before the period at the end;
18 and

19 (2) by amending paragraph (3) to read as fol-
20 lows:

21 “(3) TRANSFERS OF UNACCOMPANIED ALIEN
22 CHILDREN.—Except in the case of exceptional cir-
23 cumstances, any department or agency of the Fed-
24 eral Government that has an unaccompanied alien
25 child in custody—

1 “(A) shall, in the case of a child who does
2 not meet the criteria listed in subsection
3 (a)(2)(A), transfer the custody of such child to
4 the Secretary of Health and Human Services
5 not later than 30 days after determining that
6 such child is an unaccompanied alien child who
7 does not meet such criteria; and

8 “(B) may, in the case of a child who meets
9 the criteria listed in subsection (a)(2)(A), trans-
10 fer the custody of such child to the Secretary
11 of Health and Human Services after deter-
12 mining that such child is an unaccompanied
13 alien child who meets such criteria.”.

14 (c) INFORMATION SHARING AND ACCESS TO COUN-
15 SEL.—Section 235(c) of such Act (8 U.S.C. 1232(c)) is
16 amended—

17 (1) in paragraph (3)—

18 (A) in subparagraph (A), by striking the
19 second sentence and inserting “Such determina-
20 tion shall, at a minimum, include verification of
21 the identity of the proposed custodian,
22 verification of the relationship of the proposed
23 custodian to the child, if any, collection of infor-
24 mation sufficient to identify and locate the pro-
25 posed custodian and assess the suitability of the

1 proposed placement, and an independent find-
2 ing that the proposed custodian has not en-
3 gaged in any activity that would indicate a po-
4 tential risk of abuse, neglect, maltreatment, ex-
5 ploitation, or trafficking to the child.”;

6 (B) in subparagraph (B)—

7 (i) in the first sentence, by striking
8 “first”;

9 (ii) in the second sentence—

10 (I) by striking “special needs”;

11 and

12 (II) by striking “sponsor clearly
13 presents a risk of abuse, maltreat-
14 ment” and inserting “custodian clear-
15 ly presents a risk of abuse, neglect,
16 maltreatment”; and

17 (iii) in the third sentence, by striking
18 “on children for whom a home study was
19 conducted and is authorized to conduct fol-
20 low-up services in cases involving children
21 with mental health or other needs who
22 could benefit from ongoing assistance from
23 a social welfare agency” and inserting “for
24 each child for whom a home study was
25 conducted, and may conduct follow-up

1 services in cases involving children with
2 mental health needs or other needs who
3 could benefit from continuing assistance
4 from a social welfare agency”;

5 (C) by amending subparagraph (C) to read
6 as follows:

7 “(C) ACCESS TO INFORMATION.—Not later
8 than 14 days after receiving a request from the
9 Secretary of Health and Human Services, the
10 Secretary of Homeland Security shall provide
11 information necessary to conduct a safety and
12 suitability assessment from appropriate Fed-
13 eral, State, and local law enforcement and im-
14 migration databases.”; and

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

16 “(D) REQUIRED PLACEMENT INFORMA-
17 TION.—(i) Before placing a child with an indi-
18 vidual, the Secretary of Health and Human
19 Services shall obtain and provide to the Sec-
20 retary of Homeland Security information re-
21 garding the proposed custodian, including—

22 “(I) the full legal name of the pro-
23 posed custodian;

24 “(II) the date of birth of the proposed
25 custodian;

1 “(III) the address of the residence at
2 which the child will be placed;

3 “(IV) contact information for the pro-
4 posed custodian;

5 “(V) the relationship of the proposed
6 custodian to the child, if any;

7 “(VI) the Social Security number of
8 the proposed custodian or, if no Social Se-
9 curity number has been issued to the pro-
10 posed custodian, any alien registration
11 number, I-94 number, passport number,
12 or other immigration-related identifying
13 number of the proposed custodian; and

14 “(VII) the immigration status as-
15 serted by the proposed custodian.

16 “(ii) A child may not be placed with a pro-
17 posed custodian unless the Secretary of Health
18 and Human Services has obtained the informa-
19 tion required under clause (i) and provided that
20 information to the Secretary of Homeland Secu-
21 rity.

22 “(iii) Not later than 30 days after receiv-
23 ing the information described in clause (i), the
24 Secretary of Homeland Security shall, upon de-
25 termining that the proposed custodian is unlaw-

1 fully present in the United States and is not al-
2 ready in removal proceedings under chapter 4
3 of title II of the Immigration and Nationality
4 Act (8 U.S.C. 1221 et seq.), initiate such pro-
5 ceedings.

6 “(iv) The proposed custodian shall be ineli-
7 gible to receive placement of a child under this
8 section if the proposed custodian provides mate-
9 rially false, fictitious, or fraudulent information
10 under clause (i), unless the Secretary of Health
11 and Human Services determines that excep-
12 tional circumstances warrant otherwise.”; and

13 (2) in paragraph (5), by striking “have counsel
14 to represent them” and inserting “have access to
15 counsel, at no expense to the Government, to rep-
16 resent them”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to any unaccompanied alien child
19 (as such term is defined in section 462(g) of the Home-
20 land Security Act of 2002 (6 U.S.C. 279(g))) apprehended
21 on or after the date that is 30 days after the date of the
22 enactment of this Act.

1 **TITLE VI—EMPLOYMENT ELIGI-**
2 **BILITY VERIFICATION AND**
3 **LABOR PROTECTIONS**

4 **SEC. 601. EMPLOYMENT ELIGIBILITY VERIFICATION.**

5 Section 274A of the Immigration and Nationality Act
6 (8 U.S.C. 1324a) is amended—

7 (1) by amending subsection (b) to read as fol-
8 lows:

9 “(b) EMPLOYMENT ELIGIBILITY VERIFICATION
10 PROCESS.—

11 “(1) IDENTITY VERIFICATION REQUIRED.—

12 Each person, employer, or other entity that hires,
13 recruits, or refers individuals for employment in the
14 United States, at the time of hiring, shall verify each
15 individual’s identity and employment authorization
16 by examining the required documentation.

17 “(2) E-VERIFY.—The Secretary of Homeland
18 Security shall maintain, at no cost to users, an elec-
19 tronic employment eligibility verification system (re-
20 ferred to in this subsection as ‘E-Verify’) that—

21 “(A) allows participating employers to con-
22 firm an individual’s identity and lawful status
23 to work in the United States, as recorded in
24 Department of Homeland Security and Social
25 Security Administration databases;

1 “(B) includes a basic verification service
2 that compares the information from an individ-
3 ual’s employment eligibility documents against
4 Department of Homeland Security and Social
5 Security Administration records; and

6 “(C) an identity authentication service that
7 confirms the individual’s identity for purposes
8 of fraud prevention and national security.

9 “(3) MANDATORY ENROLLMENT.—Each person
10 hiring a new employee shall enroll in and use E-
11 Verify to confirm each employee’s identity and work
12 authorization not later than the date on which the
13 relevant employee completes his or her Form I-9.

14 “(4) EFFECT OF NONCONFIRMATION.—

15 “(A) IN GENERAL.—If E-Verify does not
16 automatically confirm an individual’s authoriza-
17 tion to work, the employer shall—

18 “(i) treat such individual as provision-
19 ally authorized under this subsection (as in
20 effect on the date before the enactment of
21 the ASSIMILATION Act); and

22 “(ii) notify Department of Homeland
23 Security of such nonconfirmation within
24 the period specified in a regulation promul-
25 gated pursuant to paragraph (7).

1 “(B) UNLAWFUL EMPLOYMENT.—An indi-
2 vidual who is not ultimately confirmed by E-
3 Verify shall be deemed to be unlawfully em-
4 ployed in the United States after the expiration
5 of the provisional period.

6 “(5) PENALTIES FOR VIOLATIONS.—A person
7 or entity may be subject to civil or criminal penalties
8 under this section only for violations related to an
9 individual’s identity or work authorization if the per-
10 son or entity—

11 “(A) had actual knowledge of such viola-
12 tion; or

13 “(B) failed to timely update the employ-
14 ment verification information upon receiving no-
15 tice of a discrepancy.

16 “(6) GOOD-FAITH COMPLIANCE.—Good-faith
17 compliance with system procedures (including proper
18 completion of the E-Verify process) shall be a valid
19 defense to any claim of a paperwork violation under
20 this section.

21 “(7) RULEMAKING.—The Secretary of Home-
22 land Security shall promulgate regulations that pre-
23 scribe appropriate procedures for operating and
24 using of E-Verify, including measures to safeguard

1 privacy and to resolve system errors or
2 mismatches.”; and

3 (2) by adding at the end the following:

4 “(i) ENROLLMENT AND SYSTEM REQUIREMENTS.—

5 “(1) REGISTRATION; COMPLIANCE.—All em-
6 ployers subject to subsection (b) shall—

7 “(A) register with through E-Verify; and

8 “(B) comply with all applicable E-Verify
9 requirements for all new hires in the United
10 States.

11 “(2) AVAILABILITY.—The Secretary of Home-
12 land Security shall ensure that—

13 “(A) E-Verify is available to employers 24
14 hours each day; and

15 “(B) use of E-Verify does not cause sig-
16 nificant delays in the hiring process.

17 “(3) NOTIFICATION.—All employers subject to
18 subsection (b) shall inform employees of the use of
19 E-Verify and the results of the verification for each
20 such employee, in accordance with regulations pro-
21 mulgated by the Secretary pursuant to subsection
22 (b)(7).”.

1 **SEC. 602. H-2A WAGE METHODOLOGY.**

2 Section 218(a) of the Immigration and Nationality
3 Act (8 U.S.C. 1188(a)) is amended by adding at the end
4 the following:

5 “(3)(A) in determining the wage rates to be paid to
6 H-2A workers under this subsection, the Secretary of
7 Labor shall use a wage-rate methodology that ensures—

8 “(i) such workers are not paid less than a wage
9 rate that would adversely affect similarly employed
10 United States workers; and

11 “(ii) the wage rate for such workers is not less
12 than the highest of—

13 “(I) the prevailing wage in the area of in-
14 tended employment for the occupation code, as
15 determined under regulations promulgated by
16 the Secretary of Labor;

17 “(II) the applicable Federal or State min-
18 imum wage; and

19 “(III) the average hourly wage paid to
20 United States workers in the same occupation
21 code and area of intended employment (based
22 on recent official data), rounded up to the next
23 whole dollar.

24 “(B) The Secretary of Labor—

25 “(i) shall publish the applicable wage rates for
26 each occupation code and area of intended employ-

1 ment before the beginning of each agricultural sea-
2 son; and

3 “(ii) may update such rates at least annually.

4 “(C) This paragraph may be enforced in the same
5 manner as any other wage requirements under this sec-
6 tion.”.

7 **TITLE VII—CONFORMING**
8 **AMENDMENTS; REPORTS; EF-**
9 **FECTIVE DATES; APPLICA-**
10 **BILITY; SEVERABILITY**

11 **SEC. 701. REPORTS.**

12 Not later than 1 year after the date of the enactment
13 of this Act, and annually thereafter, the Secretary of
14 Homeland Security shall submit to Congress a report on
15 the economic impact, assimilation rates, and public-charge
16 incidences associated with the amendments made by this
17 Act.

18 **SEC. 702. EFFECTIVE DATES.**

19 This Act and the amendments made by this Act shall
20 take effect on the date of enactment of this Act, unless
21 otherwise provided in this Act.

22 **SEC. 703. APPLICABILITY AND TRANSITION PROVISIONS.**

23 (a) **INVALIDATED PETITIONS AND APPLICATIONS.—**
24 Except as otherwise expressly provided in this Act, any
25 petition, application, or other request for immigration sta-

1 tus, classification, benefit, or relief filed under any immi-
2 gration category, classification, or provision repealed by
3 this Act is void as of the effective date of the repeal.

4 (b) PENDING MATTERS.—Except as otherwise ex-
5 pressly provided in this Act, any petition, application, or
6 other request for immigration status, classification, ben-
7 efit, or relief pending on the date of the enactment of this
8 Act shall be adjudicated, denied, terminated, or otherwise
9 resolved in accordance with this Act and the amendments
10 made by this Act.

11 (c) PREVIOUSLY ISSUED VISAS.—Nothing in this sec-
12 tion may be construed to invalidate a visa issued before
13 the date of the enactment of this Act unless expressly pro-
14 vided in this Act.

15 (d) DIVERSITY IMMIGRANT VISAS.—In the case of a
16 diversity immigrant visa under section 203(c) of the Immi-
17 gration and Nationality Act (8 U.S.C. 1153(c)), section
18 202(e) of such Act shall control.

19 **SEC. 704. SEVERABILITY.**

20 If any provision of this Act, an amendment made by
21 this Act, or the application of such provision or amend-
22 ment to any person or circumstance, is held invalid or un-
23 constitutional, the remainder of this Act, the amendments
24 made by this Act, and the application of the provisions

- 1 of such to any other person or circumstance shall not be
- 2 affected thereby.

○