

115TH CONGRESS H.R. 4750

To terminate the granting of temporary protected status to aliens, to provide for adjustment of status for former temporary protected status holders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 10, 2018

Mr. Coffman introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

- To terminate the granting of temporary protected status to aliens, to provide for adjustment of status for former temporary protected status holders, 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.
 - This Act may be cited as the "TPS Act".

SEC. 2. TERMINATION OF GRANTS OF TEMPORARY PRO-

- 2 TECTED STATUS.
- 3 Section 244 of the Immigration and Nationality Act
- 4 (8 U.S.C. 1254a) is amended by adding at the end the
- 5 following:

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- 6 "(j) TERMINATION.—
- "(1) In GENERAL.—Beginning on the date of the enactment of this subsection, no alien shall be eligible for a new grant of temporary protected status under this section, except for an alien with an application under subsection (a) pending on such date pursuant to a designation of a foreign state made under subsection (b) before such date.
 - "(2) Extension of this section, in the case of an alien having temporary protected status on the date of the enactment of this subsection, or obtaining a grant of temporary protected status pursuant to an application described in paragraph (1), the period in which the alien is granted temporary protected status under this section is deemed to be the 3-year period beginning on the date of the enactment of this subsection, and the documentation described in subsection (d) shall be valid during such period. The provisions of subsections (c) through (h) shall continue to apply during such period."

1 SEC. 3. PERMANENT RESIDENT STATUS FOR FORMER TPS

1	SEC. 9. I ELEMENT RESIDENT STATES FOR FORMER ITS
2	HOLDERS.
3	(a) In General.—The Secretary of Homeland Secu-
4	rity shall adjust the status of an alien to that of an alien
5	lawfully admitted for permanent residence if the alien—
6	(1) had temporary protected status on the day
7	before the end of the 3-year period beginning on the
8	date of the enactment of this Act;
9	(2) makes application for such adjustment dur-
10	ing period beginning 6 months before the end of the
11	3-year period beginning on the date of the enact-
12	ment of this Act;
13	(3) is admissible as an immigrant under the
14	Immigration and Nationality Act (8 U.S.C. 1101 et
15	seq.) at the time of examination for adjustment of
16	such alien, except that in the determination of the
17	alien's admissibility for purposes of this section, the
18	Secretary shall apply the terms of section
19	244(c)(2)(A) of such Act (8 U.S.C. $1254a(c)(2)(A)$);
20	and
21	(4) otherwise satisfies the requirements of this
22	section.
23	(b) Procedures.—The Secretary shall by rule es-
24	tablish a procedure allowing eligible individuals to apply
25	for the relief available under this section without requiring
26	placement in removal proceedings and without requiring

- 1 the immediate availability of an immigrant visa pursuant
- 2 to the provisions of the Immigration and Nationality Act
- 3 (8 U.S.C. 1101 et seq.). Such procedure shall provide for
- 4 the ability of a minor to apply for such relief, including
- 5 through a legal guardian or counsel. Except as provided
- 6 in subsection (g), aliens provided status under this section
- 7 shall not be subject to, or counted against, any numerical
- 8 limitation under sections 201 through 203 of the Immi-
- 9 gration and Nationality Act (8 U.S.C. 1151–1153).
- 10 (c) Application Fee.—The Secretary may require
- 11 an alien applying for permanent resident status under this
- 12 section to pay a reasonable fee that is commensurate with
- 13 the cost of processing the application.
- 14 (d) Submission of Biometric and Biographic
- 15 Data.—The Secretary may not grant an alien permanent
- 16 resident status under this section unless the alien submits
- 17 biometric and biographic data, in accordance with proce-
- 18 dures established by the Secretary. The Secretary shall
- 19 provide an alternative procedure for aliens who are unable
- 20 to provide such biometric or biographic data because of
- 21 a physical impairment.
- 22 (e) Background Checks.—
- 23 (1) Requirement for background
- 24 CHECKS.—The Secretary shall utilize biometric, bio-

1	graphic, and other data that the Secretary deter-
2	mines appropriate—
3	(A) to conduct security and law enforce-
4	ment background checks of an alien seeking
5	permanent resident status under this section;
6	and
7	(B) to determine whether there is any
8	criminal, national security, or other factor that
9	would render the alien ineligible for such status.
10	(2) Completion of Background Checks.—
11	The security and law enforcement background
12	checks of an alien required under paragraph (1)
13	shall be completed, to the satisfaction of the Sec-
14	retary, before the date on which the Secretary
15	grants such alien permanent resident status under
16	this section.
17	(f) Treatment of Aliens Pending Grant of
18	PERMANENT RESIDENCE.—
19	(1) Limitation on Removal.—The Secretary
20	or the Attorney General may not remove an alien
21	who has pending an application for relief under this
22	section and appears prima facie eligible for such re-
23	lief.
24	(2) Provisional protected status.—

1	(A) In general.—In the case of an alien
2	described in paragraph (1), the Secretary shall
3	grant provisional protected presence to the alien
4	and shall provide the alien with employment au-
5	thorization effective until the date on which—
6	(i) the alien's application for relief
7	under this section is finally denied; or
8	(ii) the Secretary adjusts the status of
9	the alien to that of an alien lawfully admit-
10	ted for permanent residence.
11	(B) STATUS DURING PERIOD OF PROVI-
12	SIONAL PROTECTED PRESENCE.—An alien
13	granted provisional protected presence is not
14	considered to be unlawfully present in the
15	United States during the period beginning on
16	the date such status is granted and ending or
17	a date described in subparagraph (A), except
18	that the Secretary may rescind an alien's provi-
19	sional protected presence and employment au-
20	thorization under this paragraph if the Sec-
21	retary determines that the alien—
22	(i) poses a threat to national security
23	or a threat to public safety; or

1	(ii) has traveled outside of the United
2	States without authorization from the Sec-
3	retary.

(g) TEMPORARY REDUCTION IN IMMIGRANT VISAS.—

(1) In General.—Beginning in fiscal year 2022, subject to paragraph (2), the total number of immigrant visas available for a fiscal year under subsections (c) through (e) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), as modified by subsections (d) and (e) of section 203 of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1151 note; 8 U.S.C. 1153 note), shall be reduced by 50,000 from the number of visas otherwise available under such subsections for such fiscal year. In carrying out the preceding sentence, each category of family-sponsored, employment-based, and diversity immigrant visas described in section 203 of such Act (8 U.S.C. 1153) shall be reduced in the same proportion as the number of visas otherwise allocable to the category bears to the total number of immigrant visas that otherwise would be available for the fiscal year absent the enactment of this subsection.

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1	(2) Limitation.—In no case shall the reduc-
2	tion under paragraph (1) for a fiscal year exceed the
3	amount by which—
4	(A) the total number of individuals who
5	have adjusted their status to that of aliens law-
6	fully admitted for permanent residence under
7	subsection (a) as of the end of the previous fis-
8	cal year; exceeds
9	(B) the total of the reductions in available
10	visas under this subsection for all previous fis-
11	cal years.
12	(h) Definition.—In this section, the term "Sec-
13	retary" means the Secretary of Homeland Security

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