

Comparison Table: Amnesty Provisions within Major Immigration Bills

May 20, 2013

Immigration Reform and Control Act of 1986 (Public Law 99-603)	S.1639 (June 2007)	S. 744 (April 2013)
<p>Amnesty (blanket provision)</p> <p>Creates new status of “alien lawfully admitted for temporary residence” which immediately grants illegal aliens legal status (Sec. 201; INA 245A(a)(1)(A)); Waives all numerical caps (Sec. 201; INA 245A(d)(1))</p>	<p>(a) Creates Z nonimmigrant visa, renewable indefinitely every 4-years (Sec. 601(k)); Also creates derivative Z-2 and Z-3 visas for spouses and children;</p> <p>(b) Immediately grants Z visa applicants probationary benefits by end of first business day or completion of background checks, <u>whichever is sooner</u>.</p> <p>(c) Allows aliens to apply for Z visas once DHS Secretary certifies implementation of certain border security measures in the “trigger” (see below)</p>	<p>Creates new status of “registered provisional immigrant” which grants illegal aliens legal status after 6 months. (Sec. 2101; INA 245B) Provides that RPI status shall last six years and is renewable indefinitely. (Sec. 2101; INA 245B(c)(9))</p>
<p>Probationary Benefits</p>	<p>Illegal aliens are eligible to receive probationary benefits when they have passed all appropriate background checks or by the <u>end of the next business day, whichever is sooner</u>. Probationary benefits include: work authorization; advance parole; protection from detention; protection from removal and documentation valid for no less than 6 months after DHS begins to approve Z visa applications. (Sec. 601(h)(2))</p>	
<p>“Trigger”</p>	<p>Except for probationary benefits, <u>Y and Z visa programs</u> shall not become effective until DHS certifies that the</p>	<p>Illegal aliens in the U.S. prior to 12/31/11 can obtain “registered provisional immigrant status” <u>when DHS submits a</u></p>

		<p>following border security and other measures “are established, funded, and operational”: (1) DHS establishes and demonstrates “operational control of 100 percent of the U.S.-Mexico border; (2) Border Patrol has hired and trained, and has reporting for duty, 20k full-time agents; (3) DHS has installed along the U.S.-Mexico border at least 300 mi of vehicle barriers, 370 mi of fencing, and 105 ground-based radar and camera towers; (4) DHS has deployed 4 drones and supporting systems; (5) DHS is detaining all removable aliens apprehended crossing the U.S.-Mexico border except as specifically mandated by federal or state law or humanitarian circumstances; (6) ICE has the resources to detain up to 31,500 aliens; (7) DHS has established and is using secure and effective identification tools to prevent unauthorized work, including secure biometric ID and E-Verify with digitized photos (or something like it); (8) DHS has received and is processing in a timely manner Z visa applications, including conducting all necessary background checks. (Sec. 1(a))</p>	<p>5-year border security plan and border fencing strategy. (Sec. 3(c)) Unless litigation prevents their implementation, RPI aliens may receive green cards when DHS demonstrates: (1) the border security plan is “substantially operational,” (2) the fencing plan (amount of fencing to be within DHS discretion) is “substantially complete,” and (3) E-Verify is operating, and (4) biographic (not biometric) exit system is operating at air and sea ports (not land).(Sec. 3(c))</p>
Application Time Frame	<p>Beginning no later than 6 months after enactment, illegal aliens have 12 months to apply for temporary resident status (Sec. 201; INA 245A(a)(1)(A))</p>	<p>DHS shall accept applications beginning 6 months after enactment for a period of one year, which may be extended to two years at DHS’s discretion. (Sec. 601(f)(2))</p>	<p>Application period begins on the date DHS publishes a final rule, lasts one year and may be extended for another 18 months. (Sec. 2101(c), p.71)</p>
Application Information	<p>Applicants must name illegal alien relatives for whom the alien may file a derivative petition (Sec. 201; INA 245A(a)(1)(C))</p>	<p>Z visa applicants must submit biometric data and fingerprints (Sec. 601(f)(3); (g)(A)). Must submit additional info, including: physical and mental health information; complete criminal history; gang membership (or renunciation); immigration history; employment history;</p>	<p>Applicants must submit biometric and biographic data. (Sec. 2101, INA 245B(c)(8))</p>

Comparison Table: Amnesty Proposals

and any claims to U.S. citizenship.

Application Confidentiality

The DOJ may not use information from an application for any other purpose than to make a determination on the application or to enforce the prohibition on false statements; DOJ may not publish personally identifiable information; DOJ may not permit anyone other than officers or employees (or someone filing for the alien) to examine applications; Anyone in violation shall be fined under the Criminal Code and/or imprisoned up to five years (Sec. 201; INA Sec. 245A(b)(5))

No federal agency may: (1) use the application for Z or LPR status for any purpose other than to make a determination on the application; (2) make any publication through which a specific applicant can be identified or; (3) permit anyone other than officers, employees or contractors to examine individual applications (Sec. 604(a)); DHS and State Dept. must provide application information to law enforcement, DHS agencies, courts, etc. in a criminal or civil investigation *upon request*, or to a coroner (Sec. 604(b)); Whoever knowingly uses, publishes, or permits application information to be examined in violation of this provision shall be fined up to \$10k (civil) (Sec. 604(g)); Employment records used in support of an application shall not be used in civil or criminal prosecutions of the employer under INA 274A or tax laws (Sec. 605)

No officer or employee of any federal agency may: (1) use application information under for any purpose other than to make a determination on any application for any immigration benefit or protection; (2) make any publication through which a particular applicant can be identified; (3) permit anyone other than officers, employees, and contractors of DHS or another agency approved by DHS to examine individual applications. (Sec. 2104) DHS shall provide application information and any information derived from it to a law enforcement agency, court, or grand jury if requested, consistent with law, in connection with: (1) a criminal investigation or prosecution of any matter not related to the applicant's immigration status (2) A national security investigation or prosecution. DHS must also release to a coroner for purposes of affirmatively identifying a deceased individual. (Sec. 2104) Creates a criminal penalty (18 USC 1430) for publication of Information, which provides that any person who knowingly uses, publishes, or permits application information to be examined in violation of law shall be fined not more than \$10k. (Sec. 2105, p.130)

Applications Containing False Statements

Whoever "knowingly and willfully" falsifies, misrepresents, conceals, or covers up a material fact or makes any false, fictitious or fraudulent statement or representation, or makes or uses any false writing or document shall be imprisoned up to 5 years and/or fined under the Criminal Code.

Any person who willfully submits any materially false, fictitious or fraudulent statement under the immigration laws, including Z visa applications, will be subject to prosecution for perjury under Sec. 1621 of Title 18 (punishable by fine and up to 5 years imprisonment)(Sec. 204)

(Sec. 201; INA 245A(c)(6))

Application Fees and/or Fines

Pursuant to regulations promulgated by the AG (\$185)

Z visa applicants must pay \$3000: (1) an initial “processing fee” of no more than \$1,500 per alien; (2) a penalty of \$1,000 (\$500 for derivative aliens); (3) and a “state impact assistance” fee of \$500 (Sec. 601(e)(5)). To renew a Z visa, aliens must pay a renewal “processing fee” of no more than \$1,500. (Sec. 601(e)(5)). Finally, Z aliens (heads of household) must pay a penalty of \$4,000 when applying for a green card. (Sec. 602(a)(1))

RPI applicants 16 or older must pay an unspecified fee and applicants 21 or older must pay a \$1,000 penalty, payable in installments. DHS may exempt classes of individuals from the fees. (Sec. 2101, INA 245B(a) and 245B(c)(10)) Applicants to renew RPI status must pay another unspecified fee. (Sec. 2101, INA 245B(c)(9)) RPI applicants for a green card who are 21+ years on the date of introduction shall pay a \$1,000 penalty, unless applying through the DREAM Act. The penalty is payable in installments. (Sec. 2102, INA 245C(c))

Eligibility

Alien must establish he/she: entered the U.S. before Jan. 1, 1982 (4 yr cutoff); Resided continuously and unlawfully in the U.S. since (Sec. 201; INA 245A(a)(2)); Was continuously present since enactment except for “brief casual and innocent absences,” established through documentation with “independent corroboration” (Sec. 201; INA 245A(a)(3); INA 245A(g)(2)(D)); Is otherwise admissible to the U.S. (note exceptions below); Did not assist in the persecution of any persons on account of race, religion, nationality, etc.; Has registered with the military

To be eligible, a Z visa applicant must neither be ineligible (see below) nor inadmissible under INA 212(a) (significant exceptions apply below). In addition, the alien must: be physically present in the U.S. before Jan. 1, 2007, and maintain continuous physical presence since that date; be physically present in the U.S. on the date of application; be illegally present on Jan. 1, 2007 and since; be employed on the date of application; appear for an interview; and register for the Selective Service. (Sec. 601(e)) A Z non-immigrant “must remain continuously employed full time in the U.S.” as a condition of Z nonimmigrant status, except when: in school, working while in

To be eligible for RPI status, an alien must demonstrate by a preponderance of the evidence that the alien: (1) Is physically present in the U.S. on the date of application; (2) Has been physically present in the U.S. on or before 12/31/11, except for absences that are “brief, casual, and innocent,” and (3) Has maintained continuous physical presence (except absences up to 180 days) in the U.S. from Dec. 31, 2011. (Sec. 2101, INA245B(b)) DHS may grant RPI status to DACA recipients, unless the alien “has engaged in conduct since the alien was granted DACA that would make the alien ineligible for RPI status.” (Sec. 2101, INA245B(b)) DHS may allow deported aliens to apply for

Selective Service Act if required (Sec. 201; INA 245A(a)(4))
Has not been convicted of any felony or three or more misdemeanors committed in the U.S. (Sec. 201; INA 245A(a)(4)(B)); Has received (but not necessarily passed) a medical examination conforming to generally accepted medical standards (Sec. 201; INA 245A(d)(2)(C))

school, physically/mentally disabled, pregnant, or there is a “force majeure” interruption in work (Sec. 601(m)(B)). An alien is not ineligible for Z or LPR status solely based on passport fraud/forgery or visa fraud/forgery between enactment and application unless related to a Z visa application. (Sec. 609)

RPI status if the alien: (1) Is the spouse/child of a U.S. citizen or LPR;(2) Is the parent of a child who is a U.S. citizen or LPR; (3) Entered the U.S. before 16, has a high school degree or GED in the U.S., OR was younger than 16 on the date he/she initially entered the U.S., is 16 years or older on the date of application, and was physically present in the U.S. for at least 3 out of the 6 years prior to enactment.

Ineligibility

An alien is **ineligible** for a Z visa if he/she: **(1)** is inadmissible under INA 212(a) (numerous exceptions below); **(2)** is subject to the execution of an outstanding administratively final order of removal (waivable); **(3)** is subject to reinstatement of removal orders for illegally reentering the U.S. (waivable); **(4)** has participated in the persecution of any person on account of race, religion, nationality, etc.; **(5)** Is reasonably believed to have committed a serious criminal offense outside the U.S. before arriving; **(6)** Is reasonably believed to be a national security threat; **(7)** has been convicted of a felony, an aggravated felony under INA 101(a)(43), 3 or more misdemeanors under federal or state law, or a “serious criminal offense” under INA 101(h); **(8)** has entered or attempted to enter the U.S. illegally on or after Jan.1, 2007. (Sec. 601(d))

An alien is **ineligible** for RPI status if he/she: **(1)** Has a conviction for a felony (other than a state or local offense based on immigration status); **(2)** Has a conviction for an aggravated felony as defined under 101(a)(43); **(3)** Has a conviction for 3 or more misdemeanors (other than a state/local offense based on immigration status) if the alien was convicted on different dates for each of the offenses (waivable, p.65)(Sec. 2102(b)(3)(B)(i)); **(4)** Has a conviction for any offense under foreign law that if committed in the U.S. would render the alien inadmissible or removable under the INA (INA 212(a); 237(a)); **(5)** Has a conviction for unlawful voting under INA 237(a)(6); **(6)** Is reasonably believed to be engaged in, or likely to engage in, terrorist activity (Sec. 2102(b)(3)(A)(iii)); **(7)** Is an LPR, a refugee/asylee, or a nonimmigrant (meaning the alien is legal) (2102(b)(3)(A)(iv))

Taxes

DHS may issue documentation of Z status to an applicant who, no later than the date status is adjusted, establishes the payment of any “applicable federal tax liability” by establishing that: (1) no

An alien may not file an RPI application unless the applicant has satisfied all “federal income taxes assessed” in accordance with the tax code. (Sec. 2101(c), p.68) An alien applying for a

	<p>such liability exists; (2) all outstanding liabilities have been paid; or (3) the alien has entered into an agreement with the IRS to pay all outstanding liabilities. Applicable federal tax liability means liability for federal (but not state) taxes, including penalties and interest owed for any year of employment required for which the statutory period for assessment of any deficiency for such taxes has not expired. (Sec. 601(i)(3)) [Three years of back taxes at most.]</p>	<p>green card must establish he/she has satisfied all federal <u>income</u> taxes <u>assessed</u> while the alien was authorized to work as an RPI alien. (Sec. 2102, INA 245C(a) and (b), p. 94)</p>
<p>English</p>	<p>No English requirement for initial Z visa application. Upon <u>first renewal</u> of a Z visa (4 years), an alien 18 years or older must demonstrate “an attempt to gain an understanding of the English language” by demonstrating enrollment in or placement on a waiting list for English classes. [Note drafting errors in text.] Upon <u>second renewal</u>, an alien must pass the naturalization test. The alien has 3 chances to pass before the end of second extension (12 years). [Note drafting errors in text.] (Sec. 601(k))</p>	<p>No English requirement for an initial RPI status application or to renew RPI status. Upon applying for a green card, an RPI alien who is 16 or older must establish that he/she: (1) Meets the English and civics requirements of INA 312, OR (2) Is satisfactorily pursuing a course of study “to achieve an understanding of English and knowledge and understanding” of civics. (p. 103) The English requirement does not apply to aliens unable to comply because of a physical or mental impairment. DHS may waive the English requirement to RPI aliens 70+ yrs old.</p>
<p>Stay of Deportation</p>	<p>Aliens apprehended <u>before</u> the application period who can establish “a prima facie case of eligibility” “may not be deported” and “shall” be granted work authorization. (Sec. 201; INA Sec. 254A(e)(1)) Aliens apprehended <u>during</u> the application period who “presents a prima facie application” “may not be deported” and “shall” be granted work authorization until a final determination has been made on the application. (Sec. 201; INA Sec. 254A(e)(2))</p>	<p>Aliens apprehended <u>before or during</u> the application period who can establish “prima facie eligibility” for a Z visa shall have a reasonable opportunity to file an application. (Sec. 601(h)(5)); If DHS determines an alien in removal proceedings is “prima facie eligible” for a Z visa, DHS shall contact the immigration judge, direct him to close the proceedings, and permit the alien a reasonable opportunity to apply (Sec. 601(h)(6));</p> <p>If alien is apprehended <u>between the date of enactment and the end of the application period</u> and “appears prima facie eligible” for RPI status, DHS: (1) Shall provide the alien an opportunity to file a timely application, and (2) May not remove the individual – for any reason – until “a final administrative determination” is made on the application (apparently allow the aliens time to appeal an adverse decision before DHS can remove the alien). (Sec. 2101, INA 245B(c)(5), p.70) <u>Between the date an alien files an RPI application and the</u></p>

Comparison Table: Amnesty Proposals

date DHS makes a “final decision” on the application, an alien may not be detained or removed – for any reason – unless DHS first makes a prima facie determination that the alien is or has become ineligible. If an alien is in removal proceedings during the application process and is “prima facie eligible” for RPI status: (1) DHS shall give the alien an opportunity to file an RPI application and (2) DOJ shall, upon motion by DHS or the alien terminate removal proceedings w/o prejudice, and the alien a reasonable opportunity to apply. An alien in the U.S. who has been ordered removed (including voluntary departure), but meets the eligibility requirements, is eligible to apply for RPI status notwithstanding the removal order (or a reinstatement thereof).

Grounds for Inadmissibility

(a) An alien applying for “temporary resident status” shall not be deemed inadmissible based on these grounds in the INA 212(a): alien workers lacking labor certification (14); aliens lacking proper documents (20); aliens whose visas were issued without compliance to law (21); aliens who are illiterate (not LPRs)(25); alien doctors from non-accredited schools who come to practice medicine (32).
(b) The AG may not waive the following grounds of inadmissibility under 212(a): aliens convicted of (or admit to commission of) a crime of “moral turpitude” (9); aliens convicted of two or more offenses for which the aggregate sentences were 5+ years (10);

(a) A Z visa applicant shall not be deemed inadmissible based on these grounds in INA 212(a): failure to attend removal proceedings (6)(B); procuring visas by fraud (6)(C)(i); falsely claiming citizenship (6)(C)(ii); being a stowaway (6)(D); being subject to a civil penalty for document fraud (6)(F); violating the terms of a student visa (6)(G); lacking valid immigration documents (7); being subject to the 3 or 10-year bars (9)(B); being illegally present after previous immigration violations; (9)(C)(i)(I); being guardians of helpless aliens (10)(B);
(b) DHS may not waive the following grounds: convictions for drug crimes or crimes of moral turpitude (2)(A); conviction of 2 or more offenses with aggregate sentences of 5+ years (2)(B); trafficking drugs (2)(C); importing prostitutes (2)(D)(ii); asserting immunity

(a) An RPI alien shall not be deemed inadmissible based on these grounds in INA 212(a): being a public charge (INA 212(a)(4)); failing to have labor certification (INA 212(a)(5)); presence without permission or parole (INA 212(a)(6)(A)); failing to attend removal proceedings, unless after application (INA 212(a)(6)(B)); seeking admission within 5 years of being ordered removed, unless after application. (INA 212(a)(9)(A)); obtaining immigration documents through fraud, unless after enactment (INA 212(a)(6)(C)(i)); falsely claiming citizenship, unless after enactment (INA 212(a)(6)(C)(ii)); being a stowaway, unless after enactment (INA 212(a)(6)(D)); being subject to a final order of removal for document fraud unless after enactment (INA 212(a)(6)(F)); violating terms of their

aliens likely at any time to become public charges (15), aliens convicted of drug offenses (23); aliens who the AG has reason to believe seek to enter principally to engage in activities prejudicial to the public interest or endanger the welfare, safety or security of the U.S.(27); aliens who are anarchists, Communists, or advocate for the violent overthrow of the government (28); aliens who engage in activity subversive to national security (29); aliens engaged in Nazi persecution (33).
(c) The AG may waive all other grounds for inadmissibility (Sec. 201; INA Sec. 245A

from prosecution after being involved in serious criminal activity (2)(E); waiver authority (2)(F); foreign officials who have committed severe violations of religious freedom (2)(G); alien trafficking (2)(H); money laundering (2)(I); national security threats (3); obtaining entry documents through document fraud (6)(C)(i); presence without permission or parole (6)(A)(i); attempting to re-enter while subject to removal order (9)(C)(ii); polygamists (10)(A); international child abductors (10)(C)
(c) DHS may waive all other grounds not otherwise listed above. (Sec. 601(c)(2))

visas, unless after enactment (INA 212(a)(6)(G)); failure to possess proper documents (INA 212(a)(7)(A),(B)); being subject to the 3 and 10 year bars (INA 212(a)(9)(B)) (INA Sec. 2101, INA 245B(b)(3))
(b) DHS may NOT waive the following grounds of inadmissibility: conviction for 2+ offenses for which the aggregate prison sentences are 5+ years (INA 212(a)(2)(B)); drug trafficking (INA 212(a)(2)(C)); importing prostitutes or receiving proceeds therefrom within 10 yrs of application for a visa (INA 212(a)(2)(D)); committing "serious criminal offense," claim immunity, and leave the U.S. (INA 212(a)(2)(E)); commission of severe violations of religious freedom by foreign officials (INA 212(a)(2)(G)); human trafficking ("severe forms of human trafficking," not sons or daughters) INA212(a)(2)(H); money laundering (INA 212(a)(2)(I)); engaging or inciting terrorist activity (INA 212(a)(3)(B)(i)); polygamy (INA 212(a)(10)(A)); international child abduction (until surrender of child to lawful custodian/parent) (INA 212(a)(10)(C)); voting in violation of federal, state, or local laws (INA 212(a)(10)(D)); renouncing citizenship to avoid taxes (INA 212(a)(10)(E)); obtaining or attempting to obtain admission documents through fraud if related to an RPI application (INA 212(a)(6)(C)(i)) (Sec. 2101, INA 245B(b)(3)(B)(ii), p.65)
(c) DHS may waive all other grounds listed. (Sec. 2101, INA245B(b)(3)(B)(i), p.65)

Special Rule for Public Charge	Alien is eligible for “temporary resident status” despite 212(a)(15)(public charge) if the alien demonstrates a history of employment in the U.S. evidencing self-support without receipt of cash assistance. (Sec. 201; INA 245A(d)(2)(B)(iii))	DHS may waive inadmissibility for likely becoming a public charge under INA 212(a)(4). (Sec. 601(c)(2))	The public charge rule is waived for RPI applicants. (Sec. 2101, INA 245B(b)(3))
Revocation of Temporary Status	AG shall provide for the termination of “temporary resident status” if: (a) it appears that the alien was not eligible for such status; (b) if the alien commits an act making him inadmissible (exceptions) or is convicted of any felony or 3 or more misdemeanors committed in the U.S.; (c) after 31 months after receiving temporary resident status the alien has not filed an application for LPR status and such application has not been denied; (Sec. 201; INA 245A(a))	Any benefit to a Z nonimmigrant or applicant “shall terminate” if DHS determines the alien is ineligible for a Z visa, the alien is removable, the alien becomes inadmissible (exceptions apply), the alien becomes ineligible, the alien has used documentation of Z status for unlawful purposes, the alien has violated employment/study requirements, or the alien’s application for a Z visa has been denied. (Sec. 601(o)) DHS may “for good and sufficient cause” revoke Z status if it appears that the alien was not in fact eligible for Z status under Section 601. (Sec. 601(p))	DHS may (but does not have to) revoke RPI status at any time <i>after</i> giving “appropriate notice” to the alien, and <i>after</i> the exhaustion or waiver of all applicable administrative review procedures, IF the alien: (1) Is no longer eligible; (2) Knowingly used RPI documents for fraud; (3) Was absent from the U.S. for more than 180 (continuously or in the aggregate). If DHS revokes RPI status, any documentation issued shall automatically be rendered invalid for any purpose except departure. (Sec. 2101, INA 245B(d)(2), p.89)
Work Authorization	The AG shall grant the alien work authorization and provide the alien an appropriate work permit (Sec. 201; 245A(b)(3)(B))	Z nonimmigrants shall be authorized to work in the U.S. (Sec. 601(m)(1) and (2));	RPI aliens shall be work authorized. (Sec. 2101, INA 245(d))
Travel Authorization	The AG shall permit the alien to return to the U.S. after brief, casual trips abroad, and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative (Sec. 201; 245A(b)(3)(A))	Z nonimmigrants may travel outside the U.S. and be readmitted if the alien’s Z visa is still valid, the alien has appropriate documentation, the alien is not otherwise inadmissible, and the alien is not subject to bars on extension. (Sec. 601(n))	RPI aliens may travel outside the U.S. and be re-admitted if: (1) The alien has a valid RPI document that meets certain security requirements; (2) The alien’s absence did not exceed 180 days, unless the alien’s failure to timely return was due to extenuating circumstances, (3) The alien meets the requirements for

an extension, and (4) The alien establishes that he is not inadmissible as a national security threat

<p>Social Security</p>	<p>Z nonimmigrants shall promptly receive a Social Security number. (Sec. 606) Aliens receiving SSNs after Jan 2004 may not claim credit for work in prior years unless they were work authorized. (Sec. 607)</p>	<p>RPI aliens shall receive a social security number and social security card. (Sec. 2101, INA 245B(d)(4))</p>
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<p>Eligibility for Benefits</p>	<p>(a) For first 5 years, aliens granted lawful temporary resident status are ineligible for <u>financial assistance</u> furnished under Federal law on the basis of financial need, including aid to families with dependent children (Sec. 201; INA 245A(h)(1)). Exceptions: National School Lunch Act; Child Nutrition Act; K-12 education assistance for kids from disadvantaged backgrounds under ECIA of 1981; Headstart-Follow Through Act; Job Training Partnership Act; financial assistance for students under Title IV of the Higher Education Act of 1965; Public Health Service Act; Certain benefits under the SSA, including maternal and child health services, SSI, social services, child and family services; foster care and adoption assistance (Sec 201; INA 245A(h)(4)); (b) For first 5 years, aliens granted lawful temporary resident status are ineligible for <u>medical services under Medicaid</u> (except emergency Medicaid and care for pregnant women) and food stamps (Sec. 201; INA 245A(h)(1)(A); INA</p>	<p>Aliens receiving LPR status (green cards) under this Act shall not be eligible for federal means-tested benefits unless the alien meets eligibility criteria under current law (8 U.S.C. 1601 et seq.). [Note that federal law allows states to use state money to provide nonimmigrants benefits. (8 U.S.C. 1621)]</p>	<p>An RPI alien is ineligible for “any federal means-tested public benefit” (as defined by 8 U.S.C. 1613). However, an RPI alien shall be considered <i>lawfully present</i> in the U.S. for all purposes while in RPI status, except that the alien: (1) is not entitled to the tax credit authorized in Obamacare (26 U.S.C. 36B); (2) shall be subject to the <u>rules</u> applicable to individuals not lawfully present set forth in subsection (e) of such section; (3) Shall be subject to the <u>rules</u> applicable to individuals not lawfully present that are set forth in section 1402(e) of Obamacare.</p>
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245A(h)(3)); Bar of eligibility for Medicaid does not apply to aliens under 18 (Sec. 201; INA 245A(h)(3)(B)(ii))
(c) States may provide that such aliens are ineligible for financial or medical assistance furnished under state law (Sec. 201; INA 245A(h)(1)(B)); Such aliens shall not be considered under state law to be PRUCOL (Sec. 201; INA 245A(h)(1));

<p>Review of Applications</p>	<p>No judicial or administrative review of a denial based on a late application (Sec. 201; INA 245A(f)(2)); The AG shall provide a single level of administrative appellate review (Sec. 201; INA 245A(f)(3); There shall be judicial review of a denial only in the judicial review of a deportation order (Sec. 201; INA 245A(f)(4))</p>	<p>An alien whose status under this title has been denied, terminated, or revoked may file one appeal with DHS within 30 days. DHS shall establish an appellate authority to provide for a single level of administrative appellate review. (Sec. 603(a)(2)); The alien may not file more than one motion to reopen or reconsider (Sec. 603(a)(4)); Any alien who receives a denial may request within 30 days that DHS place him/her in removal proceedings (Sec. 603(b)(1)); Aliens who have convictions for aggregated felonies or other crimes may be placed in removal proceedings. (Sec. 603(b)(2)) No judicial review for late filings (Sec. 603(b)(2)); Judicial review of a denial, termination, or rescission of status may only take place in conjunction with the judicial review of a removal order and only if the alien has exhausted all administrative remedies (Sec. 603(c)) Permits class actions to challenge the act, regulations, written policies or DHS practices. (Sec. 603(c))</p>	<p>Administrative Review: DHS shall allow a single level of administrative appellate review the determination on applications for RPI status or green cards to illegal aliens (including DREAMers, and ag workers). (Sec. 2104, INA 245E(c)) Aliens whose applications for RPI status or green cards have been denied or revoked may file only one appeal with DHS, within 90 days after the date of denial or revocation, unless the delay is reasonably justifiable. Aliens seeking administrative review shall not be removed from the U.S. (for any reason) until a “final decision” establishing ineligibility has been made. Administrative appellate review shall be de novo and based on: (1) the administrative record, and (2) any new evidence. (Sec. 2104, INA 245E(c)) Judicial Review: If DHS denies or revokes RPI status, and after exhaustion of administrative remedies, the alien may seek review in federal court. If the court renders an adverse decision, the alien may seek review in federal appeals court in conjunction with the judicial review of an order of removal if the validity of the</p>
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denial has not been upheld by the district court. Judicial review shall be based on the administrative record established at the time of review. Except for challenges to patterns or practices (above), any claim that the provisions granting RPI status, green cards, the protection of application information, and the appeals process, or any regulation, written policy, or written directive, issued or unwritten policy or practice initiated under the authority of the Secretary of DHS violates the constitution or otherwise violates the law, is available exclusively in U.S. district court. Class action claims shall be made in conformity with the Class Action Fairness Act and the Federal Rules of Civil Procedure. Courts may stay proceedings to permit DHS to evaluate an allegation of an unwritten policy or practice or to take corrective action. (Sec.2104(b))

Adjustment to Legal Permanent Resident (green card holder)

AG shall adjust the status of an alien provided lawful temporary resident status if the alien: (a) applies within the one year period beginning on the 19th month that begins after receiving temporary resident status; (b) shows continuous presence in the U.S. since receiving temporary status; (c) is otherwise admissible; (d) has not been convicted of a felony or three or more misdemeanors committed in the U.S.; (e) must meet requirements in existing law for minimal understanding of English and knowledge of civics or be pursuing such course of study;

Notwithstanding INA 245(a) and (c), DHS may adjust a Z nonimmigrant to LPR status (green card holder) if the alien: is in valid Z status; the alien is the beneficiary of family-based petition, employment-based petition or merit-based petition; is not inadmissible (exceptions apply); and the alien (head of household) pays a \$4k penalty. (Sec. 602)(a)); Z-1s must file application from country of origin unless DHS waives or designates another country. (Sec. 602(a)(1)(C)) An alien may not adjust to LPR status until 30 days after a green card becomes available for approved petitions filed before May 1, 2005. (Sec. 603(a)(5)) Aliens must undergo (but not

DHS may adjust the status of an RPI alien to LPR status if the alien: (1) Was granted RPI status and remains eligible for such status; (2) Establishes that he/she was not continuously absent from the U.S. for more than 180 days in any calendar year while in RPI status; (3) Is not inadmissible (grounds previously waived shall not apply); (4) Has not been notified that DHS intends to revoke the alien's RPI status, unless DHS has subsequently determines not to revoke RPI status;(4) Has satisfied all federal income taxes assessed while the alien was authorized to work as an RPI alien; (5) Establishes that he/she was "regularly employed" during RPI status,

(Sec. 201; INA 245A(b)(1))

pass) a medical examination. (Sec. 603(a)(7)) Aliens must pay any taxes due while a Z nonimmigrant. (Sec. 603(a)(8))

allowing for brief periods lasting not more than 60 days (waivable, also allows study in lieu of work); (6) Is not likely to become a public charge; (7) Demonstrates average income or resources not less than 125 percent of the federal poverty level; (8) Has the required English skills (see above); (9) Registered for the military selective service. (Sec. 2102, INA 245C(a),(b))

DREAM Act	No	Yes (Title VI, Subtitle B, Sec. 612-620)	Yes (Title II, Subtitle A, Sec. 2103), no age limit and work/study requirements are waivable.
AgJOBS	Special Agricultural Worker Program	Yes (Title VI Subtitle C, Sec. 621-626)	Agricultural Worker Program (Title II, Subtitle B, Sec. 2201-2221)