

112TH CONGRESS  
2D SESSION

# H. R. 5869

To authorize the cancellation of removal and adjustment of status of certain aliens who are long-term United States residents and who entered the United States as children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 30, 2012

Mr. RIVERA introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security and Ways and Means, 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

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## A BILL

To authorize the cancellation of removal and adjustment of status of certain aliens who are long-term United States residents and who entered the United States as children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as—

5 (1) the “Studying Towards Adjusted Residency  
6 Status Act”; or

7 (2) the “STARS Act”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- 3 Sec. 1. Short title.
- 4 Sec. 2. Table of contents.
- 5 Sec. 3. Definitions.
- 6 Sec. 4. Cancellation of removal of certain long-term residents who entered the  
7 United States as children.
- 8 Sec. 5. Conditional nonimmigrant status.
- 9 Sec. 6. Adjustment of status.
- 10 Sec. 7. Treatment of aliens meeting requirements for extension of conditional  
11 nonimmigrant status.
- 12 Sec. 8. Exclusive jurisdiction.
- 13 Sec. 9. Penalties for false statements.
- 14 Sec. 10. Confidentiality of information.
- 15 Sec. 11. Treatment of conditional nonimmigrants for certain purposes.
- 16 Sec. 12. GAO report.

17 **SEC. 3. DEFINITIONS.**

18 In this Act:

19 (1) IN GENERAL.—Except as otherwise specifi-  
20 cally provided, a term used in this Act that is used  
21 in the immigration laws shall have the meaning  
22 given such term in the immigration laws.

23 (2) CONDITIONAL NONIMMIGRANT.—

24 (A) DEFINITION.—The term “conditional  
25 nonimmigrant” means an alien who is granted  
26 conditional nonimmigrant status under this Act.

27 (B) DESCRIPTION.—A conditional non-  
28 immigrant—

29 (i) shall be considered to be an alien  
30 within a nonimmigrant class for purposes  
31 of the immigration laws;

32 (ii) may have the intention perma-  
33 nently to reside in the United States; and

1 (iii) is not required to have a foreign  
2 residence which the alien has no intention  
3 of abandoning.

4 (3) IMMIGRATION LAWS.—The term “immigra-  
5 tion laws” has the meaning given such term in sec-  
6 tion 101(a)(17) of the Immigration and Nationality  
7 Act (8 U.S.C. 1101(a)(17)).

8 (4) INSTITUTION OF HIGHER EDUCATION.—The  
9 term “institution of higher education” has the  
10 meaning given such term in section 102 of the High-  
11 er Education Act of 1965 (20 U.S.C. 1002), except  
12 that the term does not include an institution of high-  
13 er education outside the United States.

14 **SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-**  
15 **TERM RESIDENTS WHO ENTERED THE**  
16 **UNITED STATES AS CHILDREN.**

17 (a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-  
18 DENTS WHO ENTERED THE UNITED STATES AS CHIL-  
19 DREN.—

20 (1) IN GENERAL.—Notwithstanding any other  
21 provision of law and except as otherwise provided in  
22 this Act, the Secretary of Homeland Security may  
23 cancel removal of an alien who is inadmissible or de-  
24 portable from the United States, and grant the alien

1 conditional nonimmigrant status, if the alien dem-  
2 onstrates by a preponderance of the evidence that—

3 (A) the alien has been physically present in  
4 the United States for a continuous period of  
5 not less than 5 years immediately preceding the  
6 date of the enactment of this Act and was  
7 younger than 16 years of age on the date the  
8 alien initially entered the United States;

9 (B) the alien has earned a high school di-  
10 ploma or obtained a general education develop-  
11 ment certificate in the United States;

12 (C) the alien has been admitted to an ac-  
13 credited 4-year institution of higher education  
14 in the United States;

15 (D) the alien has been a person of good  
16 moral character (as defined in section 101(f) of  
17 the Immigration and Nationality Act (8 U.S.C.  
18 1101(f))) since the date the alien initially en-  
19 tered the United States;

20 (E) the alien has never been under a final  
21 administrative or judicial order of exclusion, de-  
22 portation, or removal, unless the alien—

23 (i) has remained in the United States  
24 under color of law after such order was  
25 issued; or

1 (ii) received the order before attaining  
2 the age of 19 years;

3 (F) the alien was younger than 19 years of  
4 age on the date of the submission of the appli-  
5 cation under this section, except that the alien  
6 may submit an application under this section  
7 before attaining the age of 21 years in the case  
8 of an alien who, before attaining the age of 19  
9 years, was granted voluntary departure; and

10 (G) subject to paragraph (2), the alien—

11 (i) is not inadmissible under para-  
12 graph (1), (2), (3), (4), (6)(E), (6)(G), (8),  
13 (10)(A), (10)(C), or (10)(D) of section  
14 212(a) of the Immigration and Nationality  
15 Act (8 U.S.C. 1182(a));

16 (ii) is not deportable under paragraph  
17 (1)(E), (1)(G), (2), (4), (5), or (6) of sec-  
18 tion 237(a) of the Immigration and Na-  
19 tionality Act (8 U.S.C. 1227(a));

20 (iii) has not ordered, incited, assisted,  
21 or otherwise participated in the persecution  
22 of any person on account of race, religion,  
23 nationality, membership in a particular so-  
24 cial group, or political opinion; and

25 (iv) has not been convicted of—

1 (I) any offense under Federal or  
2 State law punishable by a maximum  
3 term of imprisonment of more than 1  
4 year; or

5 (II) 3 or more offenses under  
6 Federal or State law, for which the  
7 alien was convicted on different dates  
8 for each of the 3 offenses and sen-  
9 tenced to imprisonment for an aggre-  
10 gate of 90 days or more.

11 (2) WAIVER.—With respect to any benefit  
12 under this Act, the Secretary of Homeland Security  
13 may waive the ground of inadmissibility under para-  
14 graph (1), (4), or (6) of section 212(a) of the Immi-  
15 gration and Nationality Act (8 U.S.C. 1182(a)) and  
16 the ground of deportability under paragraph (1) of  
17 section 237(a) of that Act (8 U.S.C. 1227(a)) for  
18 humanitarian purposes or family unity or when it is  
19 otherwise in the public interest.

20 (3) PROCEDURES.—The Secretary of Homeland  
21 Security shall provide a procedure by regulation al-  
22 lowing eligible individuals to apply affirmatively for  
23 the relief available under this subsection without  
24 being placed in removal proceedings.

1           (4) SURCHARGE.—The Secretary of Homeland  
2 Security shall charge and collect a surcharge of  
3 \$525 per application on all applications for relief  
4 under this subsection. Such surcharge shall be in ad-  
5 dition to the otherwise applicable application fee im-  
6 posed for the purpose of recovering the full costs of  
7 providing adjudication and processing services. Not-  
8 withstanding any other provision of law, including  
9 section 286 of the Immigration and Nationality Act  
10 (8 U.S.C. 1356), any surcharge collected under this  
11 paragraph shall be deposited as offsetting receipts in  
12 the General Fund of the Treasury and shall not be  
13 available for obligation or expenditure.

14           (5) SUBMISSION OF BIOMETRIC AND BIO-  
15 GRAPHIC DATA.—The Secretary of Homeland Secu-  
16 rity may not cancel the removal of an alien or grant  
17 conditional nonimmigrant status to the alien under  
18 this subsection unless the alien submits biometric  
19 and biographic data, in accordance with procedures  
20 established by the Secretary. The Secretary shall  
21 provide an alternative procedure for applicants who  
22 are unable to provide such biometric or biographic  
23 data because of a physical impairment.

24           (6) BACKGROUND CHECKS.—

1           (A) REQUIREMENT FOR BACKGROUND  
2 CHECKS.—The Secretary of Homeland Security  
3 shall utilize biometric, biographic, and other  
4 data that the Secretary determines is appro-  
5 priate—

6           (i) to conduct security and law en-  
7 forcement background checks of an alien  
8 seeking relief available under this sub-  
9 section; and

10           (ii) to determine whether there is any  
11 criminal, national security, or other factor  
12 that would render the alien ineligible for  
13 such relief.

14           (B) COMPLETION OF BACKGROUND  
15 CHECKS.—The security and law enforcement  
16 background checks required by subparagraph  
17 (A) shall be completed, to the satisfaction of the  
18 Secretary, prior to the date the Secretary can-  
19 cels the removal of the alien under this sub-  
20 section.

21           (7) MEDICAL EXAMINATION.—An alien applying  
22 for relief available under this subsection shall under-  
23 go a medical observation and examination. The Sec-  
24 retary of Homeland Security, with the concurrence  
25 of the Secretary of Health and Human Services,



1 shall prescribe policies and procedures for the nature  
2 and timing of such observation and examination.

3 (8) MILITARY SELECTIVE SERVICE.—An alien  
4 applying for relief available under this subsection  
5 shall establish that the alien has registered under  
6 the Military Selective Service Act (50 U.S.C. App.  
7 451 et seq.), if the alien is subject to such registra-  
8 tion under that Act.

9 (b) TERMINATION OF CONTINUOUS PERIOD.—For  
10 purposes of this section, any period of continuous resi-  
11 dence or continuous physical presence in the United States  
12 of an alien who applies for cancellation of removal under  
13 subsection (a) shall not terminate when the alien is served  
14 a notice to appear under section 239(a) of the Immigra-  
15 tion and Nationality Act (8 U.S.C. 1229(a)).

16 (c) TREATMENT OF CERTAIN BREAKS IN PRES-  
17 ENCE.—

18 (1) IN GENERAL.—An alien shall be considered  
19 to have failed to maintain continuous physical pres-  
20 ence in the United States under subsection (a) if the  
21 alien has departed from the United States for any  
22 period in excess of 90 days or for any periods in the  
23 aggregate exceeding 180 days.

24 (2) EXTENSIONS FOR EXCEPTIONAL CIR-  
25 CUMSTANCES.—The Secretary of Homeland Security

1 may extend the time periods described in paragraph  
2 (1) if the alien demonstrates that the failure to time-  
3 ly return to the United States was due to excep-  
4 tional circumstances. The exceptional circumstances  
5 determined sufficient to justify an extension should  
6 be no less compelling than serious illness of the  
7 alien, or death or serious illness of a parent, grand-  
8 parent, sibling, or child.

9 (d) REGULATIONS.—

10 (1) INITIAL PUBLICATION.—Not later than 180  
11 days after the date of the enactment of this Act, the  
12 Secretary of Homeland Security shall publish regula-  
13 tions implementing this section.

14 (2) INTERIM REGULATIONS.—Notwithstanding  
15 section 553 of title 5, United States Code, the regu-  
16 lations required by paragraph (1) shall be effective,  
17 on an interim basis, immediately upon publication  
18 but may be subject to change and revision after pub-  
19 lic notice and opportunity for a period of public com-  
20 ment.

21 (3) FINAL REGULATIONS.—Within a reasonable  
22 time after publication of the interim regulations in  
23 accordance with paragraph (1), the Secretary of  
24 Homeland Security shall publish final regulations  
25 implementing this section.

1 (e) REMOVAL OF ALIEN.—The Secretary of Home-  
2 land Security may not remove any alien who—

3 (1) has a pending application for conditional  
4 nonimmigrant status under this Act; and

5 (2) establishes prima facie eligibility for can-  
6 cellation of removal and conditional nonimmigrant  
7 status under subsection (a).

8 **SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.**

9 (a) LENGTH OF STATUS.—Conditional nonimmigrant  
10 status granted under section 4 shall be valid for an initial  
11 period of 5 years, subject to termination under subsection  
12 (c) of this section.

13 (b) TERMS OF CONDITIONAL NONIMMIGRANT STA-  
14 TUS.—

15 (1) EMPLOYMENT.—A conditional non-  
16 immigrant shall be authorized to be employed in the  
17 United States incident to conditional nonimmigrant  
18 status.

19 (2) TRAVEL.—A conditional nonimmigrant may  
20 travel outside the United States and may be admit-  
21 ted (if otherwise admissible) upon return to the  
22 United States without having to obtain a visa if—

23 (A) the alien is the bearer of valid, unex-  
24 pired documentary evidence of conditional non-  
25 immigrant status; and

1 (B) the alien's absence from the United  
2 States was not for a period exceeding 180 days  
3 or the alien was absent from the United States  
4 due to active service in the armed forces.

5 (c) TERMINATION OF STATUS.—

6 (1) IN GENERAL.—The Secretary of Homeland  
7 Security shall terminate the conditional non-  
8 immigrant status of any alien if the Secretary deter-  
9 mines that the alien—

10 (A) failed to enroll in an accredited 4-year  
11 institution of higher education in the United  
12 States within 1 year after the date on which the  
13 alien was granted conditional nonimmigrant  
14 status or to remain so enrolled;

15 (B) ceases to meet the requirements of  
16 subparagraph (D) of section 4(a)(1); or

17 (C) has become a public charge.

18 (2) RETURN TO PREVIOUS IMMIGRATION STA-  
19 TUS.—Any alien whose conditional nonimmigrant  
20 status is terminated under paragraph (1) shall re-  
21 turn to the immigration status the alien had imme-  
22 diately prior to receiving conditional nonimmigrant  
23 status.

24 (d) EXTENSION OF STATUS.—

1           (1) ELIGIBILITY.—The Secretary of Homeland  
2 Security shall extend the conditional nonimmigrant  
3 status of an alien for a second period of 5 years if  
4 the following requirements are met:

5           (A) The alien has demonstrated good  
6 moral character during the entire period the  
7 alien has been a conditional nonimmigrant.

8           (B) The alien is in compliance with section  
9 4(a)(1)(G).

10          (C) The alien has not abandoned the  
11 alien's residence in the United States. For pur-  
12 poses of this subparagraph, the Secretary shall  
13 presume that the alien has abandoned such res-  
14 idence if the alien is absent from the United  
15 States for more than 365 days, in the aggre-  
16 gate, during the period of conditional non-  
17 immigrant status, unless the alien demonstrates  
18 that the alien has not abandoned the alien's  
19 residence.

20          (D) The alien has been graduated from an  
21 accredited 4-year institution of higher education  
22 in the United States.

23           (2) SURCHARGE.—The Secretary of Homeland  
24 Security shall charge and collect a surcharge of  
25 \$2,000 per application on all applications for an ex-

1       tension under this subsection. Such surcharge shall  
2       be in addition to the otherwise applicable application  
3       fee imposed for the purpose of recovering the full  
4       costs of providing adjudication and processing serv-  
5       ices. Notwithstanding any other provision of law, in-  
6       cluding section 286 of the Immigration and Nation-  
7       ality Act (8 U.S.C. 1356), any surcharge collected  
8       under this paragraph shall be deposited as offsetting  
9       receipts in the General Fund of the Treasury and  
10      shall not be available for obligation or expenditure.

11 **SEC. 6. ADJUSTMENT OF STATUS.**

12       (a) IN GENERAL.—A conditional nonimmigrant may  
13      file with the Secretary of Homeland Security, in accord-  
14      ance with subsection (c), an application to have the alien’s  
15      status adjusted to that of an alien lawfully admitted for  
16      permanent residence. The application shall provide, under  
17      penalty of perjury, the facts and information so that the  
18      Secretary may make the determination described in para-  
19      graph (b)(1).

20       (b) ADJUDICATION OF APPLICATION FOR ADJUST-  
21      MENT OF STATUS.—

22           (1) IN GENERAL.—If an application is filed in  
23      accordance with subsection (a) for an alien, the Sec-  
24      retary of Homeland Security shall make a deter-  
25      mination as to whether the alien meets the require-

1       ments set out in paragraphs (1) through (3) of sub-  
2       section (d).

3               (2) ADJUSTMENT OF STATUS IF FAVORABLE  
4       DETERMINATION.—If the Secretary determines that  
5       the alien meets such requirements, the Secretary  
6       shall notify the alien of such determination and ad-  
7       just the alien’s status to that of an alien lawfully ad-  
8       mitted for permanent residence, effective as of the  
9       date of approval of the application.

10              (3) TERMINATION IF ADVERSE DETERMINA-  
11       TION.—If the Secretary determines that the alien  
12       does not meet such requirements, the Secretary shall  
13       notify the alien of such determination and terminate  
14       the conditional nonimmigrant status of the alien as  
15       of the date of the determination.

16       (c) TIME TO FILE APPLICATION.—

17              (1) IN GENERAL.—An alien shall file an appli-  
18       cation for adjustment of status during the period—

19                      (A) beginning 3 years after the date on  
20                      which the alien obtained an extension of status  
21                      under section 5(d); and

22                      (B) ending on either the date that is 10  
23                      years after the date of the initial grant of con-  
24                      ditional nonimmigrant status or any other expi-  
25                      ration date of the conditional nonimmigrant

1 status as extended by the Secretary of Home-  
2 land Security in accordance with this Act.

3 (2) STATUS DURING PENDENCY.—The alien  
4 shall be deemed to be in conditional nonimmigrant  
5 status in the United States during the period in  
6 which such application is pending.

7 (d) CONTENTS OF APPLICATION.—Each application  
8 for an alien under subsection (a) shall contain information  
9 to permit the Secretary of Homeland Security to deter-  
10 mine whether each of the following requirements is met:

11 (1) The alien has demonstrated good moral  
12 character during the entire period the alien has been  
13 a conditional nonimmigrant.

14 (2) The alien is in compliance with section  
15 4(a)(1)(G).

16 (3) The alien has not abandoned the alien's res-  
17 idence in the United States. For purposes of this  
18 paragraph, the Secretary shall presume that the  
19 alien has abandoned such residence if the alien is  
20 absent from the United States for more than 730  
21 days, in the aggregate, during the period of condi-  
22 tional nonimmigrant status, unless the alien dem-  
23 onstrates that the alien has not abandoned the  
24 alien's residence.

25 (e) CITIZENSHIP REQUIREMENT.—



1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), the status of a conditional nonimmigrant  
3           shall not be adjusted to permanent resident status  
4           unless the alien demonstrates that the alien satisfies  
5           the requirements of section 312(a) of the Immigra-  
6           tion and Nationality Act (8 U.S.C. 1423(a)).

7           (2) EXCEPTION.—Paragraph (1) shall not  
8           apply to an alien who is unable because of a physical  
9           or developmental disability or mental impairment to  
10          meet the requirements of such paragraph.

11         (f) PAYMENT OF FEDERAL TAXES.—

12           (1) IN GENERAL.—Not later than the date on  
13           which an application is filed under subsection (a) for  
14           adjustment of status, the alien shall satisfy any ap-  
15           plicable Federal tax liability due and owing on such  
16           date.

17           (2) APPLICABLE FEDERAL TAX LIABILITY.—  
18           For purposes of paragraph (1), the term “applicable  
19           Federal tax liability” means liability for Federal  
20           taxes imposed under the Internal Revenue Code of  
21           1986, including any penalties and interest thereon.

22         (g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC  
23         DATA.—The Secretary of Homeland Security may not ad-  
24         just the status of an alien under this section unless the  
25         alien submits biometric and biographic data, in accordance

1 with procedures established by the Secretary. The Sec-  
2 retary shall provide an alternative procedure for applicants  
3 who are unable to provide such biometric or biographic  
4 data because of a physical impairment.

5 (h) BACKGROUND CHECKS.—

6 (1) REQUIREMENT FOR BACKGROUND  
7 CHECKS.—The Secretary of Homeland Security shall  
8 utilize biometric, biographic, and other data that the  
9 Secretary determines appropriate—

10 (A) to conduct security and law enforce-  
11 ment background checks of an alien applying  
12 for adjustment of status under this section; and

13 (B) to determine whether there is any  
14 criminal, national security, or other factor that  
15 would render the alien ineligible for such ad-  
16 justment of status.

17 (2) COMPLETION OF BACKGROUND CHECKS.—

18 The security and law enforcement background  
19 checks required by paragraph (1) shall be completed,  
20 to the satisfaction of the Secretary, prior to the date  
21 the Secretary grants adjustment of status.

22 (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

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

1 aliens who may be eligible for adjustment of status under  
2 this section.

3 (j) ELIGIBILITY FOR NATURALIZATION.—An alien  
4 whose status is adjusted under this section to that of an  
5 alien lawfully admitted for permanent residence may be  
6 naturalized upon compliance with all the requirements of  
7 the immigration laws except the provisions of paragraph  
8 (1) of section 316(a) of the Immigration and Nationality  
9 Act (8 U.S.C. 1427(a)), if such person immediately pre-  
10 ceding the date of filing the application for naturalization  
11 has resided continuously, after being lawfully admitted for  
12 permanent residence, within the United States for at least  
13 5 years, and has been physically present in the United  
14 States for periods totaling at least half of that time and  
15 has resided within the State or the district of U.S. Citizen-  
16 ship and Immigration Services in the United States in  
17 which the applicant filed the application for at least 3  
18 months. An alien described in this subsection may file the  
19 application for naturalization as provided in the second  
20 sentence of subsection (a) of section 334 of the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1445).

1 **SEC. 7. TREATMENT OF ALIENS MEETING REQUIREMENTS**  
2 **FOR EXTENSION OF CONDITIONAL NON-**  
3 **IMMIGRANT STATUS.**

4 If, on the date of the enactment of this Act, an alien  
5 has satisfied all the requirements of sections 4(a)(1) and  
6 5(d)(1)(D), the Secretary of Homeland Security may can-  
7 cel removal and grant conditional nonimmigrant status in  
8 accordance with section 4, and may extend conditional  
9 nonimmigrant status in accordance with section 5(d). The  
10 alien may apply for adjustment of status in accordance  
11 with section 6(a) if the alien has met the requirements  
12 of section 5(d)(1) during the entire period of conditional  
13 nonimmigrant status.

14 **SEC. 8. EXCLUSIVE JURISDICTION.**

15 The Secretary of Homeland Security shall have exclu-  
16 sive jurisdiction to determine eligibility for relief under  
17 this Act, except where the alien has been placed into de-  
18 portation, exclusion, or removal proceedings either prior  
19 to or after filing an application for cancellation of removal  
20 and conditional nonimmigrant status or adjustment of sta-  
21 tus under this Act, in which case the Attorney General  
22 shall have exclusive jurisdiction and shall assume all the  
23 powers and duties of the Secretary until proceedings are  
24 terminated, or if a final order of deportation, exclusion,  
25 or removal is entered the Secretary shall resume all powers  
26 and duties delegated to the Secretary under this Act. If

1 the Secretary grants relief under this Act, the final order  
2 of deportation, exclusion, or removal shall be terminated.

3 **SEC. 9. PENALTIES FOR FALSE STATEMENTS.**

4       Whoever files an application for any benefit under  
5 this Act and willfully and knowingly falsifies, misrep-  
6 sents, or conceals a material fact or makes any false or  
7 fraudulent statement or representation, or makes or uses  
8 any false writing or document knowing the same to con-  
9 tain any false or fraudulent statement or entry, shall be  
10 fined in accordance with title 18, United States Code, im-  
11 prisoned not more than 5 years, or both.

12 **SEC. 10. CONFIDENTIALITY OF INFORMATION.**

13       (a) PROHIBITION.—Except as provided in subsection  
14 (b), no officer or employee of the United States may—

15           (1) use the information furnished by an indi-  
16 vidual pursuant to an application filed under this  
17 Act to initiate removal proceedings against any per-  
18 son identified in the application;

19           (2) make any publication whereby the informa-  
20 tion furnished by any particular individual pursuant  
21 to an application under this Act can be identified; or

22           (3) permit anyone other than an officer or em-  
23 ployee of the United States Government or, in the  
24 case of an application filed under this Act with a

1 designated entity, that designated entity, to examine  
2 such application filed under this Act.

3 (b) REQUIRED DISCLOSURE.—The Attorney General  
4 or the Secretary of Homeland Security shall provide the  
5 information furnished under this Act, and any other infor-  
6 mation derived from such furnished information, to—

7 (1) a Federal, State, tribal, or local law enforce-  
8 ment agency, intelligence agency, national security  
9 agency, component of the Department of Homeland  
10 Security, court, or grand jury in connection with a  
11 criminal investigation or prosecution, a background  
12 check conducted pursuant to the Brady Handgun  
13 Violence Protection Act (Public Law 103–159; 107  
14 Stat. 1536) or an amendment made by that Act, or  
15 for homeland security or national security purposes,  
16 if such information is requested by such entity or  
17 consistent with an information sharing agreement or  
18 mechanism; or

19 (2) an official coroner for purposes of affirma-  
20 tively identifying a deceased individual (whether or  
21 not such individual is deceased as a result of a  
22 crime).

23 (c) FRAUD IN APPLICATION PROCESS OR CRIMINAL  
24 CONDUCT.—Notwithstanding any other provision of this  
25 section, information concerning whether an alien seeking

1 relief under this Act has engaged in fraud in an applica-  
2 tion for such relief or at any time committed a crime may  
3 be used or released for immigration enforcement, law en-  
4 forcement, or national security purposes.

5 (d) PENALTY.—Whoever knowingly uses, publishes,  
6 or permits information to be examined in violation of this  
7 section shall be fined not more than \$10,000.

8 **SEC. 11. TREATMENT OF CONDITIONAL NONIMMIGRANTS**  
9 **FOR CERTAIN PURPOSES.**

10 (a) IN GENERAL.—An individual granted conditional  
11 nonimmigrant status under this Act shall, while such indi-  
12 vidual remains in such status, be considered lawfully  
13 present for all purposes except—

14 (1) section 36B of the Internal Revenue Code  
15 of 1986 (concerning premium tax credits), as added  
16 by section 1401 of the Patient Protection and Af-  
17 fordable Care Act (Public Law 111–148); and

18 (2) section 1402 of the Patient Protection and  
19 Affordable Care Act (concerning reduced cost shar-  
20 ing; 42 U.S.C. 18071).

21 (b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY  
22 WAITING PERIOD UNDER PRWORA.—An individual who  
23 has met the requirements under this Act for adjustment  
24 from conditional nonimmigrant status to lawful perma-  
25 nent resident status shall be considered, as of the date

1 of such adjustment, to have completed the 5-year period  
2 specified in section 403 of the Personal Responsibility and  
3 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
4 1613).

5 **SEC. 12. GAO REPORT.**

6 Not later than 7 years after the date of the enact-  
7 ment of this Act, the Comptroller General of the United  
8 States shall submit to the Committee on the Judiciary of  
9 the Senate and the Committee on the Judiciary of the  
10 House of Representatives a report setting forth—

11 (1) the number of aliens who were eligible for  
12 cancellation of removal and grant of conditional non-  
13 immigrant status under section 4(a);

14 (2) the number of aliens who applied for can-  
15 cellation of removal and grant of conditional non-  
16 immigrant status under section 4(a);

17 (3) the number of aliens who were granted con-  
18 ditional nonimmigrant status under section 4(a);  
19 and

20 (4) the number of aliens whose status was ad-  
21 justed to that of an alien lawfully admitted for per-  
22 manent residence under section 6.

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