

111TH CONGRESS
2^D SESSION

H. R. 6497

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2010

Mr. BERMAN (for himself and Mr. LINCOLN DIAZ-BALART of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Ways and Means, Education and Labor, and Homeland Security, 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 authorize the cancellation of removal and adjustment of status of certain alien students 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 the “Development, Relief,
5 and Education for Alien Minors Act of 2010” or the
6 “DREAM Act of 2010”.

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

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

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

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) IN GENERAL.—Except as otherwise specifi-
 6 cally provided, a term used in this Act that is used
 7 in the immigration laws shall have the meaning
 8 given such term in the immigration laws.

9 (2) ARMED FORCES.—The term “Armed
 10 Forces” has the meaning given the term “armed
 11 forces” in section 101(a) of title 10, United States
 12 Code.

13 (3) CONDITIONAL NONIMMIGRANT.—

14 (A) DEFINITION.—The term “conditional
 15 nonimmigrant” means an alien who is granted
 16 conditional nonimmigrant status under this Act.

17 (B) DESCRIPTION.—A conditional non-
 18 immigrant—

1 (i) shall be considered to be an alien
2 within a nonimmigrant class for purposes
3 of the immigration laws;

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

6 (iii) is not required to have a foreign
7 residence which the alien has no intention
8 of abandoning.

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

13 (5) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education” has the
15 meaning given such term in section 102 of the High-
16 er Education Act of 1965 (20 U.S.C. 1002), except
17 that the term does not include an institution of high-
18 er education outside the United States.

19 **SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-**
20 **TERM RESIDENTS WHO ENTERED THE**
21 **UNITED STATES AS CHILDREN.**

22 (a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-
23 DENTS WHO ENTERED THE UNITED STATES AS CHIL-
24 DREN.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law and except as otherwise provided in
3 this Act, the Secretary of Homeland Security may
4 cancel removal of an alien who is inadmissible or de-
5 portable from the United States, and grant the alien
6 conditional nonimmigrant status, if the alien dem-
7 onstrates by a preponderance of the evidence that—

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

14 (B) the alien has been a person of good
15 moral character since the date the alien initially
16 entered the United States;

17 (C) subject to paragraph (2), the alien—

18 (i) is not inadmissible under para-
19 graph (1), (2), (3), (4), (6)(E), (6)(G), (8),
20 (10)(A), (10)(C), or (10)(D) of section
21 212(a) of the Immigration and Nationality
22 Act (8 U.S.C. 1182(a));

23 (ii) is not deportable under paragraph
24 (1)(E), (1)(G), (2), (4), (5), or (6) of sec-

1 tion 237(a) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1227(a));

3 (iii) has not ordered, incited, assisted,
4 or otherwise participated in the persecution
5 of any person on account of race, religion,
6 nationality, membership in a particular so-
7 cial group, or political opinion; and

8 (iv) has not been convicted of—

9 (I) any offense under Federal or
10 State law punishable by a maximum
11 term of imprisonment of more than 1
12 year; or

13 (II) 3 or more offenses under
14 Federal or State law, for which the
15 alien was convicted on different dates
16 for each of the 3 offenses and sen-
17 tenced to imprisonment for an aggre-
18 gate of 90 days or more;

19 (D) the alien—

20 (i) has been admitted to an institution
21 of higher education in the United States;
22 or

23 (ii) has earned a high school diploma
24 or obtained a general education develop-
25 ment certificate in the United States;

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

4 (i) has remained in the United States
5 under color of law after such order was
6 issued; or

7 (ii) received the order before attaining
8 the age of 16 years; and

9 (F) the alien was younger than 30 years of
10 age on the date of the enactment of this Act.

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) DEADLINE FOR SUBMISSION OF APPLICA-
15 TION.—An alien shall submit an application for can-
16 cellation of removal and conditional nonimmigrant
17 status under this subsection no later than the date
18 that is 1 year after the later of—

19 (A) the date the alien earned a high school
20 diploma or obtained a general education devel-
21 opment certificate in the United States; or

22 (B) the effective date of the interim regu-
23 lations under subsection (d).

24 (6) SUBMISSION OF BIOMETRIC AND BIO-
25 GRAPHIC DATA.—The Secretary of Homeland Secu-

1 rity may not cancel the removal of an alien or grant
2 conditional nonimmigrant status to the alien under
3 this subsection unless the alien submits biometric
4 and biographic data, in accordance with procedures
5 established by the Secretary. The Secretary shall
6 provide an alternative procedure for applicants who
7 are unable to provide such biometric or biographic
8 data because of a physical impairment.

9 (7) BACKGROUND CHECKS.—

10 (A) REQUIREMENT FOR BACKGROUND
11 CHECKS.—The Secretary of Homeland Security
12 shall utilize biometric, biographic, and other
13 data that the Secretary determines is appro-
14 priate—

15 (i) to conduct security and law en-
16 forcement background checks of an alien
17 seeking relief available under this sub-
18 section; and

19 (ii) to determine whether there is any
20 criminal, national security, or other factor
21 that would render the alien ineligible for
22 such relief.

23 (B) COMPLETION OF BACKGROUND
24 CHECKS.—The security and law enforcement
25 background checks required by subparagraph

1 (A) shall be completed, to the satisfaction of the
2 Secretary, prior to the date the Secretary can-
3 cels the removal of the alien under this sub-
4 section.

5 (8) MEDICAL EXAMINATION.—An alien applying
6 for relief available under this subsection shall under-
7 go a medical observation and examination. The Sec-
8 retary of Homeland Security, with the concurrence
9 of the Secretary of Health and Human Services,
10 shall prescribe policies and procedures for the nature
11 and timing of such observation and examination.

12 (9) MILITARY SELECTIVE SERVICE.—An alien
13 applying for relief available under this subsection
14 shall establish that the alien has registered under
15 the Military Selective Service Act (50 U.S.C. App.
16 451 et seq.), if the alien is subject to such registra-
17 tion under that Act.

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

1 (c) TREATMENT OF CERTAIN BREAKS IN PRES-
2 ENCE.—

3 (1) IN GENERAL.—An alien shall be considered
4 to have failed to maintain continuous physical pres-
5 ence in the United States under subsection (a) if the
6 alien has departed from the United States for any
7 period in excess of 90 days or for any periods in the
8 aggregate exceeding 180 days.

9 (2) EXTENSIONS FOR EXCEPTIONAL CIR-
10 CUMSTANCES.—The Secretary of Homeland Security
11 may extend the time periods described in paragraph
12 (1) if the alien demonstrates that the failure to time-
13 ly return to the United States was due to excep-
14 tional circumstances. The exceptional circumstances
15 determined sufficient to justify an extension should
16 be no less compelling than serious illness of the
17 alien, or death or serious illness of a parent, grand-
18 parent, sibling, or child.

19 (d) REGULATIONS.—

20 (1) INITIAL PUBLICATION.—Not later than 180
21 days after the date of the enactment of this Act, the
22 Secretary of Homeland Security shall publish regula-
23 tions implementing this section.

24 (2) INTERIM REGULATIONS.—Notwithstanding
25 section 553 of title 5, United States Code, the regu-

1 lations required by paragraph (1) shall be effective,
2 on an interim basis, immediately upon publication
3 but may be subject to change and revision after pub-
4 lic notice and opportunity for a period of public com-
5 ment.

6 (3) FINAL REGULATIONS.—Within a reasonable
7 time after publication of the interim regulations in
8 accordance with paragraph (1), the Secretary of
9 Homeland Security shall publish final regulations
10 implementing this section.

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

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

15 (2) establishes prima facie eligibility for can-
16 cellation of removal and conditional nonimmigrant
17 status under subsection (a).

18 **SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.**

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

23 (b) TERMS OF CONDITIONAL NONIMMIGRANT STA-
24 TUS.—

1 (1) EMPLOYMENT.—A conditional non-
2 immigrant shall be authorized to be employed in the
3 United States incident to conditional nonimmigrant
4 status.

5 (2) TRAVEL.—A conditional nonimmigrant may
6 travel outside the United States and may be admit-
7 ted (if otherwise admissible) upon return to the
8 United States without having to obtain a visa if—

9 (A) the alien is the bearer of valid, unex-
10 pired documentary evidence of conditional non-
11 immigrant status; and

12 (B) the alien’s absence from the United
13 States was not for a period exceeding 180 days.

14 (c) TERMINATION OF STATUS.—

15 (1) IN GENERAL.—The Secretary of Homeland
16 Security shall terminate the conditional non-
17 immigrant status of any alien if the Secretary deter-
18 mines that the alien—

19 (A) ceases to meet the requirements of
20 subparagraph (B) or (C) of section 4(a)(1);

21 (B) has become a public charge; or

22 (C) has received a dishonorable or other
23 than honorable discharge from the Armed
24 Forces.

1 (2) RETURN TO PREVIOUS IMMIGRATION STA-
2 TUS.—Any alien whose conditional nonimmigrant
3 status is terminated under paragraph (1) shall re-
4 turn to the immigration status the alien had imme-
5 diately prior to receiving conditional nonimmigrant
6 status.

7 (d) EXTENSION OF STATUS.—

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

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

15 (B) The alien is in compliance with section
16 4(a)(1)(C).

17 (C) The alien has not abandoned the
18 alien's residence in the United States. For pur-
19 poses of this subparagraph—

20 (i) the Secretary shall presume that
21 the alien has abandoned such residence if
22 the alien is absent from the United States
23 for more than 365 days, in the aggregate,
24 during the period of conditional non-
25 immigrant status, unless the alien dem-

1 onstrates that the alien has not abandoned
2 the alien's residence; and

3 (ii) an alien who is absent from the
4 United States due to active service in the
5 Armed Forces has not abandoned the
6 alien's residence in the United States dur-
7 ing the period of such service.

8 (D) The alien—

9 (i) has acquired a degree from an in-
10 stitution of higher education in the United
11 States or has completed at least 2 years, in
12 good standing, in a program for a bach-
13 elor's degree or higher degree in the
14 United States; or

15 (ii) has served in the Armed Forces
16 for at least 2 years and, if discharged, has
17 received an honorable discharge.

18 (E) The alien has provided a list of each
19 secondary school (as that term is defined in sec-
20 tion 9101 of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7801)) that
22 the alien attended 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 (3) **HARDSHIP EXCEPTION.**—The Secretary of
12 Homeland Security may, in the Secretary’s discre-
13 tion, extend the conditional nonimmigrant status of
14 an alien if the alien—

15 (A) satisfies the requirements of subpara-
16 graphs (A), (B), and (C) of paragraph (1);

17 (B) demonstrates compelling circumstances
18 for the inability to complete the requirements
19 described in paragraph (1)(D); and

20 (C) demonstrates that the alien’s removal
21 from the United States would result in excep-
22 tional and extremely unusual hardship to the
23 alien or the alien’s spouse, parent, or child who
24 is a citizen or a lawful permanent resident of
25 the United States.

1 **SEC. 6. ADJUSTMENT OF STATUS.**

2 (a) IN GENERAL.—A conditional nonimmigrant may
3 file with the Secretary of Homeland Security, in accord-
4 ance with subsection (c), an application to have the alien’s
5 status adjusted to that of an alien lawfully admitted for
6 permanent residence. The application shall provide, under
7 penalty of perjury, the facts and information so that the
8 Secretary may make the determination described in para-
9 graph (b)(1).

10 (b) ADJUDICATION OF APPLICATION FOR ADJUST-
11 MENT OF STATUS.—

12 (1) IN GENERAL.—If an application is filed in
13 accordance with subsection (a) for an alien, the Sec-
14 retary of Homeland Security shall make a deter-
15 mination as to whether the alien meets the require-
16 ments set out in paragraphs (1) through (4) of sub-
17 section (d).

18 (2) ADJUSTMENT OF STATUS IF FAVORABLE
19 DETERMINATION.—If the Secretary determines that
20 the alien meets such requirements, the Secretary
21 shall notify the alien of such determination and ad-
22 just the alien’s status to that of an alien lawfully ad-
23 mitted for permanent residence, effective as of the
24 date of approval of the application.

25 (3) TERMINATION IF ADVERSE DETERMINA-
26 TION.—If the Secretary determines that the alien

1 does not meet such requirements, the Secretary shall
2 notify the alien of such determination and terminate
3 the conditional nonimmigrant status of the alien as
4 of the date of the determination.

5 (c) TIME TO FILE APPLICATION.—An alien shall file
6 an application for adjustment of status during the period
7 beginning 1 year before and ending on either the date that
8 is 10 years after the date of the initial grant of conditional
9 nonimmigrant status or any other expiration date of the
10 conditional nonimmigrant status as extended by the Sec-
11 retary of Homeland Security in accordance with this Act.
12 The alien shall be deemed to be in conditional non-
13 immigrant status in the United States during the period
14 in which such application is pending.

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

19 (1) The alien has demonstrated good moral
20 character during the entire period the alien has been
21 a conditional nonimmigrant.

22 (2) The alien is in compliance with section
23 4(a)(1)(C).

1 (3) The alien has not abandoned the alien's resi-
2 dence in the United States. For purposes of this
3 paragraph—

4 (A) the Secretary shall presume that the
5 alien has abandoned such residence if the alien
6 is absent from the United States for more than
7 730 days, in the aggregate, during the period of
8 conditional nonimmigrant status, unless the
9 alien demonstrates that the alien has not aban-
10 doned the alien's residence; and

11 (B) an alien who is absent from the United
12 States due to active service in the Armed
13 Forces has not abandoned the alien's residence
14 in the United States during the period of such
15 service.

16 (4) If previously granted a hardship exception
17 under section 5(d)(3) from the requirements of sec-
18 tion 5(d)(1)(D) with respect to extension of condi-
19 tional nonimmigrant status, the alien has subse-
20 quently complied with such requirements, unless the
21 alien is granted a hardship exception with respect to
22 adjustment of status under the criteria described in
23 section 5(d)(3).

24 (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 3 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 section 4(a)(1) and
6 section 5(d)(1)(D), the Secretary of Homeland Security
7 may cancel removal and grant conditional nonimmigrant
8 status in accordance with section 4, and may extend condi-
9 tional nonimmigrant status in accordance with section
10 5(d). The alien may apply for adjustment of status in ac-
11 cordance with section 6(a) if the alien has met the require-
12 ments of subparagraphs (A), (B), and (C) of section
13 5(d)(1) during the entire period of conditional non-
14 immigrant status.

15 **SEC. 8. EXCLUSIVE JURISDICTION.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-
17 rity shall have exclusive jurisdiction to determine eligibility
18 for relief under this Act, except where the alien has been
19 placed into deportation, exclusion, or removal proceedings
20 either prior to or after filing an application for cancella-
21 tion of removal and conditional nonimmigrant status or
22 adjustment of status under this Act, in which case the At-
23 torney General shall have exclusive jurisdiction and shall
24 assume all the powers and duties of the Secretary until
25 proceedings are terminated, or if a final order of deporta-
26 tion, exclusion, or removal is entered the Secretary shall

1 resume all powers and duties delegated to the Secretary
2 under this Act. If the Secretary grants relief under this
3 Act, the final order of deportation, exclusion, or removal
4 shall be terminated.

5 (b) STAY OF REMOVAL OF CERTAIN ALIENS EN-
6 ROLLED IN PRIMARY OR SECONDARY SCHOOL.—

7 (1) IN GENERAL.—The Attorney General shall
8 stay the removal proceedings of any alien who—

9 (A) meets all the requirements of subpara-
10 graphs (A), (B), (C), and (E) of section
11 4(a)(1);

12 (B) is at least 12 years of age; and

13 (C) is enrolled full-time in a primary or
14 secondary school.

15 (2) ALIENS NOT IN REMOVAL PROCEEDINGS.—

16 For aliens who are not in removal proceedings, the
17 Secretary of Homeland Security shall not commence
18 such proceedings with respect to the alien if the
19 alien meets the requirements of subparagraphs (A)
20 through (C) of paragraph (1).

21 (c) EMPLOYMENT.—An alien whose removal is stayed
22 pursuant to subsection (b)(1) may be engaged in employ-
23 ment in the United States consistent with the Fair Labor
24 Standards Act (29 U.S.C. 201 et seq.) and State and local
25 laws governing minimum age for employment.

1 (d) LIFT OF STAY.—The Attorney General shall lift
2 the stay granted pursuant to subsection (b)(1) if the
3 alien—

4 (1) is no longer enrolled in a primary or sec-
5 ondary school; or

6 (2) ceases to meet the requirements of such
7 subsection.

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

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

17 **SEC. 10. CONFIDENTIALITY OF INFORMATION.**

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

20 (1) use the information furnished by an indi-
21 vidual pursuant to an application filed under this
22 Act to initiate removal proceedings against any per-
23 son identified in the application;

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

4 (3) permit anyone other than an officer or em-
5 ployee of the United States Government or, in the
6 case of an application filed under this Act with a
7 designated entity, that designated entity, to examine
8 such application filed under this Act.

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

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

1 (2) an official coroner for purposes of affirma-
2 tively identifying a deceased individual (whether or
3 not such individual is deceased as a result of a
4 crime).

5 (c) FRAUD IN APPLICATION PROCESS OR CRIMINAL
6 CONDUCT.—Notwithstanding any other provision of this
7 section, information concerning whether an alien seeking
8 relief under this Act has engaged in fraud in an applica-
9 tion for such relief or at any time committed a crime may
10 be used or released for immigration enforcement, law en-
11 forcement, or national security purposes.

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

15 **SEC. 11. HIGHER EDUCATION ASSISTANCE.**

16 Notwithstanding any provision of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1001 et seq.), with respect
18 to assistance provided under title IV of the Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1070 et seq.), an alien who
20 is granted conditional nonimmigrant status or lawful per-
21 manent resident status under this Act shall be eligible only
22 for the following assistance under such title:

23 (1) Student loans under parts D and E of such
24 title IV (20 U.S.C. 1087a et seq., 1087aa et seq.),
25 subject to the requirements of such parts.

1 (2) Federal work-study programs under part C
2 of such title IV (42 U.S.C. 2751 et seq.), subject to
3 the requirements of such part.

4 (3) Services under such title IV (20 U.S.C.
5 1070 et seq.), subject to the requirements for such
6 services.

7 **SEC. 12. TREATMENT OF CONDITIONAL NONIMMIGRANTS**
8 **FOR CERTAIN PURPOSES.**

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

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

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

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

1 specified in section 403 of the Personal Responsibility and
2 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
3 1613).

4 **SEC. 13. MILITARY ENLISTMENT.**

5 Section 504(b)(1) of title 10, United States Code, is
6 amended by adding at the end the following new subpara-
7 graph:

8 “(D) An alien who is a conditional non-
9 immigrant (as that term is defined in section 3 of
10 the DREAM Act of 2010).”.

11 **SEC. 14. GAO REPORT.**

12 Not later than 7 years after the date of the enact-
13 ment of this Act, the Comptroller General of the United
14 States shall submit to the Committee on the Judiciary of
15 the Senate and the Committee on the Judiciary of the
16 House of Representatives a report setting forth—

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

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

23 (3) the number of aliens who were granted con-
24 ditional nonimmigrant status under section 4(a);
25 and

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

○