

115TH CONGRESS
2D SESSION

H. R. 4750

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2018

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “TPS Act”.

1 **SEC. 2. TERMINATION OF GRANTS OF TEMPORARY PRO-**
2 **TECTED STATUS.**

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

6 “(j) TERMINATION.—

7 “(1) IN GENERAL.—Beginning on the date of
8 the enactment of this subsection, no alien shall be el-
9 igible for a new grant of temporary protected status
10 under this section, except for an alien with an appli-
11 cation under subsection (a) pending on such date
12 pursuant to a designation of a foreign state made
13 under subsection (b) before such date.

14 “(2) EXTENSION OF PERIOD.—Notwithstanding
15 any other provision of this section, in the case of an
16 alien having temporary protected status on the date
17 of the enactment of this subsection, or obtaining a
18 grant of temporary protected status pursuant to an
19 application described in paragraph (1), the period in
20 which the alien is granted temporary protected sta-
21 tus under this section is deemed to be the 3-year pe-
22 riod beginning on the date of the enactment of this
23 subsection, and the documentation described in sub-
24 section (d) shall be valid during such period. The
25 provisions of subsections (c) through (h) shall con-
26 tinue to apply during such period.”.

1 **SEC. 3. PERMANENT RESIDENT STATUS FOR FORMER TPS**
2 **HOLDERS.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall adjust the status of an alien to that of an alien
5 lawfully admitted for permanent residence if the alien—

6 (1) had temporary protected status on the day
7 before the end of the 3-year period beginning on the
8 date of the enactment of this Act;

9 (2) makes application for such adjustment dur-
10 ing period beginning 6 months before the end of the
11 3-year period beginning on the date of the enact-
12 ment of this Act;

13 (3) is admissible as an immigrant under the
14 Immigration and Nationality Act (8 U.S.C. 1101 et
15 seq.) at the time of examination for adjustment of
16 such alien, except that in the determination of the
17 alien's admissibility for purposes of this section, the
18 Secretary shall apply the terms of section
19 244(c)(2)(A) of such Act (8 U.S.C. 1254a(c)(2)(A));
20 and

21 (4) otherwise satisfies the requirements of this
22 section.

23 (b) PROCEDURES.—The Secretary shall by rule es-
24 tablish a procedure allowing eligible individuals to apply
25 for the relief available under this section without requiring
26 placement in removal proceedings and without requiring

1 the immediate availability of an immigrant visa pursuant
2 to the provisions of the Immigration and Nationality Act
3 (8 U.S.C. 1101 et seq.). Such procedure shall provide for
4 the ability of a minor to apply for such relief, including
5 through a legal guardian or counsel. Except as provided
6 in subsection (g), aliens provided status under this section
7 shall not be subject to, or counted against, any numerical
8 limitation under sections 201 through 203 of the Immi-
9 gration and Nationality Act (8 U.S.C. 1151–1153).

10 (c) APPLICATION FEE.—The Secretary may require
11 an alien applying for permanent resident status under this
12 section to pay a reasonable fee that is commensurate with
13 the cost of processing the application.

14 (d) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
15 DATA.—The Secretary may not grant an alien permanent
16 resident status under this section unless the alien submits
17 biometric and biographic data, in accordance with proce-
18 dures established by the Secretary. The Secretary shall
19 provide an alternative procedure for aliens who are unable
20 to provide such biometric or biographic data because of
21 a physical impairment.

22 (e) BACKGROUND CHECKS.—

23 (1) REQUIREMENT FOR BACKGROUND
24 CHECKS.—The Secretary shall utilize biometric, bio-

1 graphic, and other data that the Secretary deter-
2 mines appropriate—

3 (A) to conduct security and law enforce-
4 ment background checks of an alien seeking
5 permanent resident status under this section;
6 and

7 (B) to determine whether there is any
8 criminal, national security, or other factor that
9 would render the alien ineligible for such status.

10 (2) COMPLETION OF BACKGROUND CHECKS.—

11 The security and law enforcement background
12 checks of an alien required under paragraph (1)
13 shall be completed, to the satisfaction of the Sec-
14 retary, before the date on which the Secretary
15 grants such alien permanent resident status under
16 this section.

17 (f) TREATMENT OF ALIENS PENDING GRANT OF
18 PERMANENT RESIDENCE.—

19 (1) LIMITATION ON REMOVAL.—The Secretary
20 or the Attorney General may not remove an alien
21 who has pending an application for relief under this
22 section and appears *prima facie* eligible for such re-
23 lief.

24 (2) PROVISIONAL PROTECTED STATUS.—

1 (A) IN GENERAL.—In the case of an alien
2 described in paragraph (1), the Secretary shall
3 grant provisional protected presence to the alien
4 and shall provide the alien with employment au-
5 thorization effective until the date on which—

6 (i) the alien’s application for relief
7 under this section is finally denied; or

8 (ii) the Secretary adjusts the status of
9 the alien to that of an alien lawfully admit-
10 ted for permanent residence.

11 (B) STATUS DURING PERIOD OF PROVI-
12 SIONAL PROTECTED PRESENCE.—An alien
13 granted provisional protected presence is not
14 considered to be unlawfully present in the
15 United States during the period beginning on
16 the date such status is granted and ending on
17 a date described in subparagraph (A), except
18 that the Secretary may rescind an alien’s provi-
19 sional protected presence and employment au-
20 thorization under this paragraph if the Sec-
21 retary determines that the alien—

22 (i) poses a threat to national security
23 or a threat to public safety; or

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

4 (g) TEMPORARY REDUCTION IN IMMIGRANT VISAS.—

5 (1) IN GENERAL.—Beginning in fiscal year
6 2022, subject to paragraph (2), the total number of
7 immigrant visas available for a fiscal year under
8 subsections (c) through (e) of section 201 of the Im-
9 migration and Nationality Act (8 U.S.C. 1151), as
10 modified by subsections (d) and (e) of section 203
11 of the Nicaraguan Adjustment and Central Amer-
12 ican Relief Act (8 U.S.C. 1151 note; 8 U.S.C. 1153
13 note), shall be reduced by 50,000 from the number
14 of visas otherwise available under such subsections
15 for such fiscal year. In carrying out the preceding
16 sentence, each category of family-sponsored, employ-
17 ment-based, and diversity immigrant visas described
18 in section 203 of such Act (8 U.S.C. 1153) shall be
19 reduced in the same proportion as the number of
20 visas otherwise allocable to the category bears to the
21 total number of immigrant visas that otherwise
22 would be available for the fiscal year absent the en-
23 actment of this subsection.

1 (2) LIMITATION.—In no case shall the reduc-
2 tion under paragraph (1) for a fiscal year exceed the
3 amount by which—

4 (A) the total number of individuals who
5 have adjusted their status to that of aliens law-
6 fully admitted for permanent residence under
7 subsection (a) as of the end of the previous fis-
8 cal year; exceeds

9 (B) the total of the reductions in available
10 visas under this subsection for all previous fis-
11 cal years.

12 (h) DEFINITION.—In this section, the term “Sec-
13 retary” means the Secretary of Homeland Security.

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