

118TH CONGRESS  
1ST SESSION

# S. 207

To modify the procedures for designating foreign states under section 244 of the Immigration and Nationality Act and granting temporary protected status to nationals of such foreign states.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2023

Mr. LANKFORD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To modify the procedures for designating foreign states under section 244 of the Immigration and Nationality Act and granting temporary protected status to nationals of such foreign states.

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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Temporary Protected Status Reform and Integrity Act”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Designation of a foreign state for temporary protected status.

Sec. 3. Travel abroad by a registrant with temporary protected status.

- Sec. 4. Procedures upon termination of a temporary protected status designation.
- Sec. 5. Clarification of temporary protected status.
- Sec. 6. Filing of requests for temporary protected status.
- Sec. 7. Technical amendments.
- Sec. 8. Severability.
- Sec. 9. Effective date.

1 **SEC. 2. DESIGNATION OF A FOREIGN STATE FOR TEM-**  
 2 **PORARY PROTECTED STATUS.**

3 (a) IN GENERAL.—Section 244(b) of the Immigra-  
 4 tion and Nationality Act (8 U.S.C. 1254a(b)) is amend-  
 5 ed—

6 (1) by striking “Attorney General” each place  
 7 such term appears and inserting “Secretary of  
 8 Homeland Security”;

9 (2) in paragraph (1), in the undesignated mat-  
 10 ter following subparagraph (C), by inserting “the  
 11 Secretary of Homeland Security, not later than 30  
 12 days before such effective date, submits a report to  
 13 Congress that contains all of the matters described  
 14 in paragraph (3)(C)(ii) with respect to such designa-  
 15 tion and” after “unless”; and

16 (3) in paragraph (3)—

17 (A) by amending subparagraph (A) to read  
 18 as follows:

19 “(A) REVIEWS.—

20 “(i) INITIAL REVIEW.—Not later than  
 21 90 days before the end of the initial period  
 22 of designation of a foreign state (or part of

1 a foreign state) under this subsection, the  
2 Secretary of Homeland Security, after con-  
3 sultation with the appropriate Federal  
4 agencies—

5 “(I) shall review the conditions in  
6 the foreign state (or part of the for-  
7 eign state) for which such designation  
8 is in effect; and

9 “(II) may extend such designa-  
10 tion for a period not to exceed 18  
11 months if the Secretary—

12 “(aa) determines that the  
13 conditions for such designation  
14 continue to be met; and

15 “(bb) submits the informa-  
16 tion described in subparagraph  
17 (C)(ii) to Congress.

18 “(ii) PERIODIC REVIEWS.—Not later  
19 than 90 days before the end of any ex-  
20 tended period of designation beyond the  
21 first designation of a foreign state (or part  
22 of a foreign state) under this subsection,  
23 the Secretary of Homeland Security, after  
24 consultation with the appropriate Federal  
25 agencies—

1 “(I) shall review the conditions in  
2 the foreign state (or part of the for-  
3 eign state) for which such designation  
4 is in effect; and

5 “(II) may make a determination  
6 as to whether the conditions for such  
7 designation continue to be met.”;

8 (B) in subparagraph (B)—

9 (i) by striking “If the Attorney Gen-  
10 eral” and inserting the following:

11 “(i) AUTOMATIC TERMINATION.—A  
12 designation shall terminate on the date on  
13 which such designation, or the most recent  
14 extension of such designation, is scheduled  
15 to expire if—

16 “(I) the Secretary of Homeland  
17 Security does not make a determina-  
18 tion under clause (i)(II) or (ii)(II) of  
19 subparagraph (A) that the conditions  
20 for such designation continue to be  
21 met; or

22 “(II)(aa) the Secretary of Home-  
23 land Security submits a recommenda-  
24 tion to extend such designation pursu-  
25 ant to subparagraph (C)(i); and

1                   “(bb) such extension is not ex-  
2                   pressly authorized by an Act of Con-  
3                   gress that is enacted not later than 90  
4                   days after the date on which such rec-  
5                   ommendation is submitted.

6                   “(ii) EFFECT OF DETERMINATION.—  
7                   If the Secretary of Homeland Security”;  
8                   and

9                   (ii) by striking “the Attorney Gen-  
10                  eral” and inserting “the Secretary”; and

11                  (C) by striking subparagraph (C) and in-  
12                  serting the following:

13                  “(C) RECOMMENDATION TO CONGRESS ON  
14                  EXTENSIONS OF DESIGNATION.—

15                  “(i) RECOMMENDATION.—If the Sec-  
16                  retary of Homeland Security determines,  
17                  pursuant to subparagraph (A)(ii), that a  
18                  foreign state (or part of a foreign state)  
19                  continues to meet the conditions for des-  
20                  ignation under paragraph (1) and that  
21                  such designation should receive a second or  
22                  subsequent extension, the Secretary shall  
23                  submit a recommendation to Congress to  
24                  extend, by an Act of Congress, the period  
25                  of designation of the foreign state (or part

1 of the foreign state) for a period not to ex-  
2 ceed 18 months.

3 “(ii) MATTERS TO BE INCLUDED.—A  
4 recommendation under clause (i) shall in-  
5 clude—

6 “(I) a justification for the exten-  
7 sion, including a description of—

8 “(aa) the humanitarian con-  
9 cern in the foreign state (or part  
10 of a foreign state); or

11 “(bb) the reason for which  
12 the extension is otherwise in the  
13 national interest of the United  
14 States; and

15 “(II) a report to the appropriate  
16 congressional committees that in-  
17 cludes—

18 “(aa) a summary of the  
19 country conditions information  
20 assessed by the Secretary of  
21 Homeland Security and the ap-  
22 propriate Federal agencies that  
23 with which the Secretary has  
24 consulted;

1           “(bb) copies of all sources  
2 from which the country condi-  
3 tions information described in  
4 item (aa) originated;

5           “(cc) an unredacted copy of  
6 the signed decision memo to des-  
7 ignate or extend temporary pro-  
8 tected status for the foreign state  
9 (or part of a foreign state);

10           “(dd) a justification for why  
11 the entire foreign state (rather  
12 than a part of the foreign state)  
13 merits such designation, if appli-  
14 cable;

15           “(ee) the analysis used to  
16 reach the decision described in  
17 item (dd);

18           “(ff) any local or regional  
19 variations in the country condi-  
20 tions which differ from the prior  
21 designation or requested redesign-  
22 nation; and

23           “(gg) the estimated or ac-  
24 tual population of aliens from the  
25 foreign state (or part of such for-

1                   eign state) residing in the United  
2                   States—

3                   “(AA) who have valid  
4                   nonimmigrant status;

5                   “(BB) who have been  
6                   granted a discretionary re-  
7                   prieve from removal;

8                   “(CC) who have over-  
9                   stayed any type of lawful  
10                  status in the United States;

11                  “(DD) who have never  
12                  held lawful status in the  
13                  United States;

14                  “(EE) who have any  
15                  sort of criminal record, with  
16                  a description of the nature  
17                  of such criminal record;

18                  “(FF) who have trav-  
19                  eled abroad during the pe-  
20                  riod of designation, with the  
21                  prior approval of the Sec-  
22                  retary of Homeland Secu-  
23                  rity;

24                  “(GG) who have trav-  
25                  eled abroad during the pe-



1                   riod of designation without  
2                   the prior approval from the  
3                   Secretary of Homeland Se-  
4                   curity;

5                   “(HH) whose tem-  
6                   porary protected status has  
7                   been terminated for any rea-  
8                   son; or

9                   “(II) who have pre-  
10                  viously been ordered re-  
11                  moved from the United  
12                  States.

13                 “(iii) CONSULTATION.—

14                         “(I) IN GENERAL.—Not later  
15                         than 30 days after submitting a rec-  
16                         ommendation described in clause (i)  
17                         to Congress, the Secretary of Home-  
18                         land Security shall provide a briefing  
19                         to the appropriate congressional com-  
20                         mittees.

21                         “(II) CONSULTATION DE-  
22                         SCRIBED.—Each consultation required  
23                         under subclause (I) shall involve an  
24                         in-person appearance by a designated  
25                         cabinet-level representative of the

1           President with members of the appro-  
2           priate congressional committees to re-  
3           view the justification extending a des-  
4           ignation under this subparagraph, in-  
5           cluding a discussion of the elements  
6           described in clause (ii).

7           “(D) PROHIBITION AGAINST NEW DES-  
8           IGNATIONS.—

9           “(i) IN GENERAL.—Subject to clauses  
10          (ii) and (iii), the Secretary of Homeland  
11          Security may not designate a foreign state  
12          (or part of a foreign state) for which a des-  
13          ignation has terminated pursuant to sub-  
14          paragraph (B)(i) during the 18-month pe-  
15          riod beginning on the date of such termi-  
16          nation.

17          “(ii) APPLICABILITY.—Clause (i) shall  
18          not apply to a designation that is expressly  
19          authorized by an Act of Congress.

20          “(iii) SAME OR SIMILAR DESIGNA-  
21          TION.—The Secretary of Homeland Secu-  
22          rity may not redesignate a foreign state (or  
23          part of a foreign state) for which a des-  
24          ignation has terminated pursuant to sub-

1 paragraph (B)(i) based on the same or a  
2 similar criteria, event, or justification.

3 “(E) CLARIFICATION REGARDING ELIGI-  
4 BILITY FOR TEMPORARY PROTECTED STATUS.—

5 “(i) TREATMENT OF PRIOR STATUS.—

6 Any alien who has been admitted and held  
7 valid nonimmigrant status shall not be  
8 considered eligible for temporary protected  
9 status under this subsection unless such  
10 status is terminated not later than 180  
11 days before the termination of a designa-  
12 tion or an extension of a designation of  
13 temporary protected status.

14 “(ii) TREATMENT OF CRIMINAL CON-  
15 VICTIONS.—Any alien who has been con-  
16 victed of 2 or more misdemeanors or 1 or  
17 more felonies is not eligible for temporary  
18 protected status under this section.

19 “(iii) UNLAWFUL ENTRY OR VISA  
20 OVERSTAY ELIGIBILITY.—Any alien who  
21 has entered the United States without in-  
22 spection, has overstayed the period for  
23 which the alien has been lawfully admitted,  
24 has been issued a final order of removal, or  
25 otherwise is not lawfully present in the

1 United States is not eligible for temporary  
2 protected status under this section.

3 “(iv) PROHIBITION ON APPROVAL OF  
4 REQUESTS FOR ALIENS WHO ENTERED  
5 THE UNITED STATES AFTER THE DATE OF  
6 DESIGNATION.—

7 “(I) LATE ARRIVALS.—Notwith-  
8 standing any other provision of law,  
9 an alien who enters the United States  
10 after the date on which the Secretary  
11 designates a foreign state (or part of  
12 a foreign state) pursuant to para-  
13 graph (1) shall be considered ineli-  
14 gible to register for temporary pro-  
15 tected status under this section.

16 “(II) CONTINUATION OF INELIGI-  
17 BILITY.—Any alien who is determined  
18 to be ineligible for temporary pro-  
19 tected status under this section is not  
20 eligible to receive such status during  
21 any extension of a designation of the  
22 foreign state (or part of a foreign  
23 state) of which such alien is a na-  
24 tional.

1                   “(III) CONTINUOUS PRESENCE  
2                   REQUIREMENT.—Any alien who failed  
3                   to meet the continuous presence re-  
4                   quirement as of the date on which the  
5                   Secretary of Homeland Security des-  
6                   ignated the foreign state (or the part  
7                   of a foreign state) of which the alien  
8                   is national is not eligible to register  
9                   for temporary protected status under  
10                  this section. The date of the Secretary  
11                  of Homeland Security’s designation  
12                  shall be deemed to be the date on  
13                  which the Secretary announces such  
14                  decision, rather than the date on  
15                  which such decision was published in  
16                  the Federal Register.”.

17                  (b) CONFORMING AMENDMENT.—Section 244(a) of  
18                  the Immigration and Nationality Act (8 U.S.C. 1254a(a))  
19                  is amended by striking paragraph (5).

20                  **SEC. 3. TRAVEL ABROAD BY A REGISTRANT WITH TEM-**  
21                  **PORARY PROTECTED STATUS.**

22                  (a) IN GENERAL.—Section 244(c) of the Immigration  
23                  and Nationality Act (8 U.S.C. 1254a(c)) is amended—

1           (1) in paragraph (3)(B), by striking “except  
2 as” and all that follows through “permitted in sub-  
3 section (f)(3),”; and

4           (2) by amending paragraph (4) to read as fol-  
5 lows:

6           “(4) PROHIBITION OF TRAVEL ABROAD BY A  
7 REGISTRANT WITH TEMPORARY PROTECTED STA-  
8 TUS.—

9           “(A) EFFECT OF FAILURE TO MAINTAIN  
10 CONTINUOUS RESIDENCE.—Except as provided  
11 in subparagraph (B), any alien who fails to  
12 maintain continuous residence for the duration  
13 of his or her temporary protected status in ac-  
14 cordance with paragraph (1)(A)(i) shall have  
15 such status withdrawn immediately upon depart-  
16 ture from the United States.

17           “(B) EXCEPTION FOR PREAPPROVED AB-  
18 SENCES.—

19           “(i) IN GENERAL.—An alien shall not  
20 be considered to have failed to maintain  
21 continuous residence in the United States  
22 under paragraph (1)(A)(ii) due to a brief  
23 absence from the United States that was  
24 approved by the Secretary of Homeland  
25 Security in advance.

1           “(ii) EFFECT ON ELIGIBILITY FOR PA-  
2           ROLE.—Any alien who receives prior ap-  
3           proval from the Secretary of Homeland Se-  
4           curity for a brief absence from the United  
5           States is ineligible for parole under section  
6           212(d)(5) upon returning to the United  
7           States.

8           “(C) EFFECT OF RETURN TO COUNTRY OF  
9           NATIONALITY.—Any alien who receives prior  
10          approval from the Secretary of Homeland Secu-  
11          rity for a brief absence from the United  
12          States—

13                 “(i) shall have his or her temporary  
14                 protected status withdrawn upon entering  
15                 any country which is designated under sub-  
16                 section (b); and

17                 “(ii) does not have a right to rein-  
18                 statement or appeal of such withdrawal  
19                 upon termination of temporary protected  
20                 status under clause (i).”.

21           (b) DISQUALIFICATION OF APPROVED TRAVEL DOC-  
22           UMENTS QUALIFYING TEMPORARY PROTECTED STATUS  
23           REGISTRANT FOR ADJUSTMENT OF STATUS.—Section  
24           304(c)(1) of the Miscellaneous and Technical Immigration

1 and Naturalization Amendments of 1991 (8 U.S.C. 1254a  
2 note) is amended to read as follows:

3 “(1) Notwithstanding any other provision of law, an  
4 alien described in paragraph (2) who has been authorized  
5 by the Secretary of Homeland Security to travel abroad  
6 temporarily and who returns to the United States in ac-  
7 cordance with such authorization is not eligible for adjust-  
8 ment of status under section 245(a) of the Immigration  
9 and Nationality Act (8 U.S.C. 1255(a)).”.

10 **SEC. 4. PROCEDURES UPON TERMINATION OF A TEM-**  
11 **PORARY PROTECTED STATUS DESIGNATION.**

12 Section 244 of the Immigration and Nationality Act,  
13 as amended by sections 2 and 3, is further amended—

14 (1) in subsection (b)—

15 (A) by redesignating paragraphs (4) and  
16 (5) as paragraphs (5) and (6), respectively;

17 (B) by inserting after paragraph (3) the  
18 following:

19 “(4) DEPARTURE TIMELINE.—If a designation  
20 of a foreign state (or part of a foreign state) is ter-  
21 minated pursuant to paragraph (3)(B)—

22 “(A) the Secretary of Homeland Security  
23 shall permit aliens granted temporary protected  
24 status as a result of such designation to remain



1 in the United States for 180 days after the ter-  
2 mination of such designation;

3 “(B) aliens who received employment au-  
4 thorization pursuant to such designation may  
5 not have such employment authorization ex-  
6 tended beyond the earlier of—

7 “(i) the last day of the 180-day period  
8 described in subparagraph (A); and

9 “(ii) the date on which such employ-  
10 ment authorization was previously sched-  
11 uled to terminate;

12 “(C) aliens may not be shielded from re-  
13 moval to the country of designation upon con-  
14 clusion of the 180-day period described in sub-  
15 paragraph (A); and

16 “(D) any alien who has not departed or  
17 obtained another lawful status within 180 days  
18 after the termination date described in subpara-  
19 graph (A) shall be considered an enforcement  
20 priority by the Department of Homeland Secu-  
21 rity.”; and

22 (C) in paragraph (6), as redesignated, by  
23 amending subparagraph (A) to read as follows:

24 “(A) JUDICIAL REVIEW.—There shall be  
25 no judicial review of any determination of the

1 Secretary of Homeland Security with respect to  
2 the designation, the termination or extension of  
3 a designation, or any collateral matters relating  
4 to the designation, termination, or extension of  
5 a foreign state (or part of a foreign state)  
6 under this subsection.”; and

7 (2) in subsection (d), by amending paragraph  
8 (3) to read as follows:

9 “(3) EFFECTIVE DATE OF TERMINATION.—

10 “(A) IN GENERAL.—Upon the termination  
11 of a designation pursuant to subsection  
12 (b)(3)(B), any alien granted temporary pro-  
13 tected status as a result of such designation  
14 shall have 180 days to depart the United  
15 States. All benefits received by the alien as a  
16 result of such status shall be terminated not  
17 later than the last day of such 180-day period.

18 “(B) NO NEW BENEFITS APPROVED.—The  
19 Secretary of Homeland Security may not grant  
20 any new benefits to aliens based on the designa-  
21 tion of a foreign state (or part of a foreign  
22 state) under subsection (b) on or after the date  
23 on which such designation is terminated.”.

1 **SEC. 5. CLARIFICATION OF TEMPORARY PROTECTED STA-**  
2 **TUS.**

3 Section 244 of the Immigration and Nationality Act  
4 (8 U.S.C. 1254a), as amended by sections 2, 3, and 4,  
5 is further amended—

6 (1) in subsection (c), by amending paragraph  
7 (2) to read as follows:

8 “(2) ELIGIBILITY STANDARDS AND RELATION  
9 OF TEMPORARY PROTECTED STATUS TO OTHER IM-  
10 MIGRATION BENEFITS.—

11 “(A) CHANGING OR ADJUSTING STATUS.—  
12 Any alien who registers under paragraph  
13 (1)(A)(iv) is ineligible, during the validity pe-  
14 riod of his or her temporary protected status  
15 registration—

16 “(i) to adjust his or her status under  
17 section 245; or

18 “(ii) to change his or her non-  
19 immigrant classification under section 248.

20 “(B) WAIVER OF GROUNDS OF INADMIS-  
21 SIBILITY.—The Secretary of Homeland Security  
22 may not waive any provision under section  
23 212(a) when considering an alien’s eligibility for  
24 temporary protected status. If an alien who is  
25 in temporary protected status on the date of  
26 the enactment of the Temporary Protected Sta-

1           tus Reform and Integrity Act received a perma-  
 2           nent waiver of any such provision before such  
 3           date of enactment, such waiver shall remain in  
 4           effect after such date of enactment.

5           “(C) SEPARATE REGISTRATION.—Notwith-  
 6           standing any other provision of law, an alien’s  
 7           registration for temporary protected status is  
 8           separate and distinct from the conditions re-  
 9           garding inspection and admission described in  
 10          any other section of this chapter”; and

11          (2) in subsection (f)—

12           (A) in the subsection heading, by striking  
 13          “BENEFITS AND”;

14           (B) by striking “section—” and all that  
 15          follows through “(2)” and inserting “section,”;  
 16          and

17           (C) by striking paragraphs (3) and (4).

18 **SEC. 6. FILING OF REQUESTS FOR TEMPORARY PRO-**  
 19 **TECTED STATUS.**

20          Section 244 of the Immigration and Nationality Act,  
 21          as amended by sections 2, 3, 4, and 5, is further amend-  
 22          ed—

23          (1) in subsection (c)(1)(B)—

24           (A) by striking “The amount of any such  
 25          fee shall not exceed \$50.”; and

1 (B) by striking “fee for providing” and in-  
2 serting “fees for biometrics (including  
3 fingerprinting), re-registration, and providing”;  
4 (2) by redesignating subsection (i) as subsection  
5 (j); and

6 (3) by inserting after subsection (h) the fol-  
7 lowing:

8 “(i) FILING AND PROCESSING OF REQUESTS FOR  
9 TEMPORARY PROTECTED STATUS.—

10 “(1) IN GENERAL.—Not later than 180 days  
11 after the date of the enactment of the Temporary  
12 Protected Status Reform and Integrity Act, the Sec-  
13 retary of Homeland Security shall require all appli-  
14 cations or requests for benefits related to a designa-  
15 tion under subsection (b) to be filed and processed  
16 electronically.

17 “(2) TIMELY FILING REQUIRED.—No applica-  
18 tion or request for a benefit related to a designation  
19 under subsection (b) shall be considered properly  
20 filed and adjudicated if such application or request  
21 was filed not later than 90 days after the date on  
22 which the notice of such designation was published  
23 in the Federal Register.

24 “(3) PROHIBITION ON FEE WAIVERS.—Notwith-  
25 standing any other provision of law, no alien who

1 applies for or requests temporary protected status  
2 shall be eligible for a waiver of the fee required  
3 under subsection (c)(1)(B).”.

4 **SEC. 7. TECHNICAL AMENDMENTS.**

5 Section 244 of the Immigration and Nationality Act,  
6 as amended by this Act, is further amended by striking  
7 “Attorney General” each place such term appears and in-  
8 serting “Secretary of Homeland Security”.

9 **SEC. 8. SEVERABILITY.**

10 If any provision of this Act or any amendment made  
11 by this Act, or the application of such provision to any  
12 person or circumstance, is held to be unconstitutional, the  
13 remainder of this Act, the amendments made by this Act,  
14 and the application of the remaining provisions of this Act,  
15 to any person or circumstance, shall not be affected.

16 **SEC. 9. EFFECTIVE DATE.**

17 This Act and the amendments made by this Act shall  
18 take effect on the date that is 180 days after the date  
19 of the enactment of this Act.

○