

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify provisions relating to adjustment of status under the Violence Against Women Act and U and T visas.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1494

To amend the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to protect alien minors and to amend the Immigration and Nationality Act to end abuse of the asylum system and establish refugee application and processing centers outside the United States, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz:

1 At the end, add the following:

2 **SEC. 7. MODIFICATIONS TO PROVISIONS RELATING TO AD-**

3 **JUSTMENT OF STATUS UNDER VAWA AND U**

4 **AND T VISAS.**

5 (a) WORK AUTHORIZATION FOR VAWA APPLI-

6 CANTS.—Section 204(a)(1) of the Immigration and Na-

7 tionality Act (8 U.S.C. 1154(a)(1)) is amended by striking

8 subparagraph (K) and inserting the following:

1 “(K) WORK AUTHORIZATION.—

2 “(i) IN GENERAL.—Upon the approval
3 of a petition as a VAWA self-petitioner,
4 the alien—

5 “(I) is eligible for work author-
6 ization; and

7 “(II) may be provided an ‘em-
8 ployment authorized’ endorsement or
9 appropriate work permit incidental to
10 such approval.

11 “(ii) TIMELINE.—Notwithstanding
12 any provision of this Act restricting eligi-
13 bility for employment in the United States,
14 the Secretary of Homeland Security shall
15 grant employment authorization to an
16 alien who has filed an application for sta-
17 tus as a VAWA self-petitioner on the date
18 that is the earlier of—

19 “(I) the date on which the alien’s
20 application for such status is ap-
21 proved; or

22 “(II) a date determined by the
23 Secretary that is not later than 180
24 days after the date on which the alien
25 filed the application.”.

1 (b) U VISA ACCESSIBILITY.—Section 214(p)(2)(A) of
2 the Immigration and Nationality Act (8 U.S.C.
3 1184(p)(2)(A)) is amended by striking “10,000” and in-
4 serting “18,000”.

5 (c) WORK AUTHORIZATION FOR U AND T VISA AP-
6 PPLICANTS.—

7 (1) U VISAS.—Section 214(p) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1184(p)) is
9 amended—

10 (A) in paragraph (6), by striking the last
11 sentence; and

12 (B) by adding at the end the following:

13 “(8) WORK AUTHORIZATION.—Notwithstanding
14 any provision of this Act granting eligibility for em-
15 ployment in the United States, the Secretary of
16 Homeland Security shall grant employment author-
17 ization to an alien who has filed an application for
18 nonimmigrant status under section 101(a)(15)(U)
19 on the date that is the earlier of—

20 “(A) the date on which the alien’s applica-
21 tion for such status is approved; or

22 “(B) a date determined by the Secretary
23 that is not later than 180 days after the date
24 on which the alien filed the application.”.

1 (2) T VISAS.—Section 214(o) (8 U.S.C.
2 1184(o)) is amended by adding at the end the fol-
3 lowing:

4 “(8) Notwithstanding any provision of this Act
5 granting eligibility for employment in the United
6 States, the Secretary of Homeland Security shall
7 grant employment authorization to an alien who has
8 filed an application for nonimmigrant status under
9 section 101(a)(15)(T) on the date that is the earlier
10 of—

11 “(A) the date on which the alien’s applica-
12 tion for such status is approved; or

13 “(B) a date determined by the Secretary
14 that is not later than 180 days after the date
15 on which the alien filed the application.”.

16 (d) PROHIBITION ON REMOVAL OF CERTAIN VICTIMS
17 WITH PENDING PETITIONS AND APPLICATIONS.—

18 (1) EXPEDITED REMOVAL OF INADMISSIBLE
19 ARRIVING ALIENS.—Section 235 of the Immigration
20 and Nationality Act (8 U.S.C. 1225) is amended by
21 adding at the end the following:

22 “(e) PROHIBITION ON REMOVAL OF CERTAIN VIC-
23 TIMS WITH PENDING PETITIONS AND APPLICATIONS.—

24 “(1) IN GENERAL.—An alien described in para-
25 graph (2) shall not be ordered removed under this

1 section until there is a final administrative denial of
2 the application for such status after the exhaustion
3 of administrative appeals.

4 “(2) ALIENS DESCRIBED.—An alien is de-
5 scribed in this paragraph if the alien—

6 “(A) has a pending application under sub-
7 paragraph (T) or (U) of section 101(a)(15); or

8 “(B) is a VAWA self-petitioner, as defined
9 in section 101(a)(51), with a pending applica-
10 tion for relief under a provision referred to in
11 one of subparagraphs (A) through (G) of such
12 section.

13 “(3) EXCEPTION.—Paragraph (1) shall not
14 apply in a case in which the Director of U.S. Citi-
15 zenship and Immigration Services determines that
16 the alien is prima facie ineligible for admission due
17 to any of the circumstances described in section
18 241(b)(3)(B).”.

19 (2) GENERAL CLASSES OF DEPORTABLE
20 ALIENS.—Section 237(d)(1) of the Immigration and
21 Nationality Act (8 U.S.C. 1227(d)(1)) is amended to
22 read as follows:

23 “(d)(1) The Director of U.S. Citizenship and Immi-
24 gration Services shall make a determination whether an
25 application for nonimmigrant status under subparagraph

1 (T) or (U) of section 101(a)(15) filed for an alien in the
2 United States sets forth a prima facie case for approval,
3 and, if so, the Secretary shall grant the alien an adminis-
4 trative stay of a final order of removal under section
5 241(c)(2) until—

6 “(A) the application for nonimmigrant status
7 under such subparagraph (T) or (U) is approved; or

8 “(B) there is a final administrative denial of
9 the application for such nonimmigrant status after
10 the exhaustion of administrative appeals.”.

11 (3) DETENTION AND REMOVAL OF ALIENS OR-
12 DERED REMOVED.—Section 241(a) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1231(a)) is
14 amended by adding at the end the following:

15 “(8) PROHIBITION ON REMOVAL OF CERTAIN
16 VICTIMS WITH PENDING PETITIONS AND APPLICA-
17 TIONS.—

18 “(A) IN GENERAL.—An alien described in
19 subparagraph (B) shall not be removed under
20 this section until there is a final administrative
21 denial of the application for such status after
22 the exhaustion of administrative appeals.

23 “(B) ALIENS DESCRIBED.—An alien is de-
24 scribed in this paragraph if the alien—

1 “(i) has a pending application under
2 subparagraph (T) or (U) of section
3 101(a)(15); or

4 “(ii) is a VAWA self-petitioner, as de-
5 fined in section 101(a)(51), with a pending
6 application for relief under a provision re-
7 ferred to in one of subparagraphs (A)
8 through (G) of such section.

9 “(C) EXCEPTION.—Subparagraph (A)
10 shall not apply in a case in which the Director
11 of U.S. Citizenship and Immigration Services
12 determines that the alien is prima facie ineli-
13 gible for admission due to any of the cir-
14 cumstances described in section 241(b)(3)(B).”.