AMENDMENT NO._______ Calendar No._______

Purpose: To increase public safety by denying registered provisional immigrant status to any alien who has been convicted of the crime of domestic violence, child abuse, assault with bodily injury, violation of a protective order, or drunk driving, by reducing the number of misdemeanors that would make an applicant ineligible for such status, and by eliminating the Secretary of Homeland Security’s authority to waive the application of such provision.

IN THE 81ST GENERAL ASSEMBLY OF THE STATE OF PENNSYLVANIA, Commencing July 1, 2013.

AMENDMENT NO. 1352

By___ Coburn

To protect ___

Referred___

Page(s) 5

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

1. Beginning on page 945, strike line 21 and all that follows through page 948, line 23, and insert the following:

   "(III) an offense (unless the applicant demonstrates, by clear and convincing evidence, that he or she is innocent of the offense, that he or she is the victim of such offense, or that no offense occurred), which is classi-
fied as a misdemeanor in the convicting jurisdiction, and which involved—

"(aa) domestic violence or child abuse and neglect (as such terms are defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)));

"(bb) assault resulting in bodily injury or the violation of a protection order (as such terms are defined in section 2266 of title 18, United States Code); or

"(cc) driving while intoxicated (as defined in section 164 of title 23, United States Code);

"(IV) 2 or more misdemeanor offenses (other than minor traffic offenses or State or local offenses for which an essential element was the alien’s immigration status or violations of this Act);

"(V) any offense under foreign law, except for a purely political of-
fense, which, if the offense had been
committed in the United States,
would render the alien inadmissible
under section 212(a) (excluding the
paragraphs set forth in clause (ii)) or
removable under section 237(a), ex-
cept as provided in paragraph (3) of
section 237(a); or

“(VI) unlawful voting (as defined
in section 237(a)(6));

“(ii) is inadmissible under section
212(a), except that in determining an
alien’s inadmissibility—

“(I) paragraphs (4), (5), (7), and
(9)(B) of section 212(a) shall not
apply;

“(II) subparagraphs (A), (C),
(D), (F), and (G) of section 212(a)(6)
and paragraphs (9)(C) and (10)(B) of
section 212(a) shall not apply unless
based on the act of unlawfully enter-
ing the United States after the date
of the enactment of the Border Secu-
riety, Economic Opportunity, and Im-
migration Modernization Act; and
“(III) paragraphs (6)(B) and (9)(A) of section 212(a) shall not apply unless the relevant conduct began on or after the date on which the alien files an application for registered provisional immigrant status under this section;

“(iii) is an alien who the Secretary knows or has reasonable grounds to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in section 212(a)(3)(B)(iv)); or

“(iv) was, on April 16, 2013—

“(I) an alien lawfully admitted for permanent residence;

“(II) an alien admitted as a refugee under section 207 or granted asylum under section 208; or

“(III) an alien who, according to the records of the Secretary or the Secretary of State, is lawfully present in the United States in any non-immigrant status (other than an alien considered to be a nonimmigrant solely due to the application of section
244(f)(4) or the amendment made by section 702 of the Consolidated Natural Resources Act of 2008 (Public Law 110–229), notwithstanding any unauthorized employment or other violation of nonimmigrant status.

“(B) WAIVER.—

“(i) IN GENERAL.—The Secretary may waive the application of any provision of section 212(a) that is not listed in clause (ii) on behalf of an alien for humanitarian purposes, to ensure family unity, or if such a waiver is otherwise in the public interest. Any discretionary authority to waive grounds of inadmissibility under section 212(a) conferred under any other provision of this Act shall apply equally to aliens seeking registered provisional status under this section.