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, by eliminating the Secretary of Homeland Security’s authority to waive the application of such provision, and by denying registered provisional immigrant status to any alien who would otherwise be ineligible for admission under current immigration law.

IN THE UNITED STATES SENATE

AMENDMENT NO. 1354

By: Coburn

To:

To:

S. 744

Page(s)

Viz:

1. Beginning on page 945, strike line 21 and all that follows through “(5)” on page 950, line 1, 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 classified 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);"
any offense under foreign law, except for a purely political offense, 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), except 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);

"(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) CONVICTION EXPLAINED.—For purposes of this paragraph, the term ‘conviction’ does not include a judgment that has been expunged, set aside, or the equivalent.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to require the Secretary to commence removal proceedings against an alien.

“(5)