

Tom Loh
S.L.C.

JUN 19 2013

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	AMENDMENT N^o 1354	sess.
	By <u>Coburn</u>	
To	To: _____	or
	S. 744	
Refer	4	nd
	Page(s)	
	<small>GPO: 2012 77-320 (mac)</small>	

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

1 Beginning on page 945, strike line 21 and all that
2 follows through "(5)" on page 950, line 1, and insert the
3 following:

4 " (III) an offense (unless the ap-
5 plicant demonstrates, by clear and
6 convincing evidence, that he or she is
7 innocent of the offense, that he or she

1 is the victim of such offense, or that
2 no offense occurred), which is classi-
3 fied as a misdemeanor in the con-
4 victing jurisdiction, and which in-
5 volved—

6 “(aa) domestic violence or
7 child abuse and neglect (as such
8 terms are defined in section
9 40002(a) of the Violence Against
10 Women Act of 1994 (42 U.S.C.
11 13925(a));

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

17 “(cc) driving while intoxi-
18 cated (as defined in section 164
19 of title 23, United States Code);

20 “(IV) 2 or more misdemeanor of-
21 fenses (other than minor traffic of-
22 fenses or State or local offenses for
23 which an essential element was the
24 alien’s immigration status or viola-
25 tions of this Act);

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

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

13 “(ii) is inadmissible under section
14 212(a);

15 “(iii) is an alien who the Secretary
16 knows or has reasonable grounds to be-
17 lieve, is engaged in or is likely to engage
18 after entry in any terrorist activity (as de-
19 fined in section 212(a)(3)(B)(iv)); or

20 “(iv) was, on April 16, 2013—

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

23 “(II) an alien admitted as a ref-
24 ugee under section 207 or granted
25 asylum under section 208; or

1 “(III) an alien who, according to
2 the records of the Secretary or the
3 Secretary of State, is lawfully present
4 in the United States in any non-
5 immigrant status (other than an alien
6 considered to be a nonimmigrant sole-
7 ly due to the application of section
8 244(f)(4) or the amendment made by
9 section 702 of the Consolidated Nat-
10 ural Resources Act of 2008 (Public
11 Law 110–229)), notwithstanding any
12 unauthorized employment or other
13 violation of nonimmigrant status.

14 “(B) CONVICTION EXPLAINED.—For pur-
15 poses of this paragraph, the term ‘conviction’
16 does not include a judgment that has been ex-
17 punged, set aside, or the equivalent.

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

22 “(5)