

Tom Coburn
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, and by eliminating the Secretary of Homeland Security's authority to waive the application of such provision.

IN THE S

AMENDMENT N^o 1352

By Coburn

To pro **To:** _____

Referre S. 744

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Page(s)

GPO: 2012 77-320 (mac)

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

- 1 Beginning on page 945, strike line 21 and all that
- 2 follows through page 948, line 23, and insert the following:
- 3 “(III) an offense (unless the ap-
- 4 plicant demonstrates, by clear and
- 5 convincing evidence, that he or she is
- 6 innocent of the offense, that he or she
- 7 is the victim of such offense, or that
- 8 no offense occurred), which is classi-

1 fied as a misdemeanor in the con-
2 victing jurisdiction, and which in-
3 volved—

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

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

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

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

24 “(V) any offense under foreign
25 law, except for a purely political of-

1 offense, which, if the offense had been
2 committed in the United States,
3 would render the alien inadmissible
4 under section 212(a) (excluding the
5 paragraphs set forth in clause (ii)) or
6 removable under section 237(a), ex-
7 cept as provided in paragraph (3) of
8 section 237(a); or

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

11 “(ii) is inadmissible under section
12 212(a), except that in determining an
13 alien’s inadmissibility—

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

17 “(II) subparagraphs (A), (C),
18 (D), (F), and (G) of section 212(a)(6)
19 and paragraphs (9)(C) and (10)(B) of
20 section 212(a) shall not apply unless
21 based on the act of unlawfully enter-
22 ing the United States after the date
23 of the enactment of the Border Secu-
24 rity, Economic Opportunity, and Im-
25 migration Modernization Act; and

1 “(III) paragraphs (6)(B) and
2 (9)(A) of section 212(a) shall not
3 apply unless the relevant conduct
4 began on or after the date on which
5 the alien files an application for reg-
6 istered provisional immigrant status
7 under this section;

8 “(iii) is an alien who the Secretary
9 knows or has reasonable grounds to be-
10 lieve, is engaged in or is likely to engage
11 after entry in any terrorist activity (as de-
12 fined in section 212(a)(3)(B)(iv)); or

13 “(iv) was, on April 16, 2013—

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

16 “(II) an alien admitted as a ref-
17 ugee under section 207 or granted
18 asylum under section 208; or

19 “(III) an alien who, according to
20 the records of the Secretary or the
21 Secretary of State, is lawfully present
22 in the United States in any non-
23 immigrant status (other than an alien
24 considered to be a nonimmigrant sole-
25 ly due to the application of section

1 244(f)(4) or the amendment made by
2 section 702 of the Consolidated Nat-
3 ural Resources Act of 2008 (Public
4 Law 110–229)), notwithstanding any
5 unauthorized employment or other
6 violation of nonimmigrant status.

7 “(B) WAIVER.—

8 “(i) IN GENERAL.—The Secretary
9 may waive the application of any provision
10 of section 212(a) that is not listed in
11 clause (ii) on behalf of an alien for human-
12 itarian purposes, to ensure family unity, or
13 if such a waiver is otherwise in the public
14 interest. Any discretionary authority to
15 waive grounds of inadmissibility under sec-
16 tion 212(a) conferred under any other pro-
17 vision of this Act shall apply equally to
18 aliens seeking registered provisional status
19 under this section.