

Tom Coburn
S.L.C.

CT

11:50 am
6-25-13
BW

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	AMENDMENT NO	1688	ess.
	By <i>Coburn</i>		
To	To:		or
	<i>S. 744</i>		
Refer	<i>7</i>		nd
	Page(s)		
		<small>GPO: 2012 77-320 (mac)</small>	

AMENDMENT intended to be proposed by Mr. COBURN

Viz:

- 1 At the appropriate place, insert the following:
- 2 **SEC. ____ . GROUNDS FOR INELIGIBILITY FOR REGISTERED**
- 3 **PROVISIONAL IMMIGRANT STATUS.**
- 4 Section 245B(b) of the Immigration and Nationality
- 5 Act, as added by section 2101, is further amended by
- 6 striking paragraph (3) and inserting the following:
- 7 “(3) GROUNDS FOR INELIGIBILITY.—

1 terms are defined in section
2 40002(a) of the Violence Against
3 Women Act of 1994 (42 U.S.C.
4 13925(a));

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

10 “(cc) driving while intoxi-
11 cated (as defined in section 164
12 of title 23, United States Code);

13 “(IV) 2 or more misdemeanor of-
14 fenses (other than minor traffic of-
15 fenses or State or local offenses for
16 which an essential element was the
17 alien’s immigration status or viola-
18 tions of this Act);

19 “(V) any offense under foreign
20 law, except for a purely political of-
21 fense, which, if the offense had been
22 committed in the United States,
23 would render the alien inadmissible
24 under section 212(a) (excluding the
25 paragraphs set forth in clause (ii)) or

1 removable under section 237(a), ex-
2 cept as provided in paragraph (3) of
3 section 237(a); or

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

6 “(ii) is inadmissible under section
7 212(a), except that in determining an
8 alien’s inadmissibility—

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

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

21 “(III) paragraphs (6)(B) and
22 (9)(A) of section 212(a) shall not
23 apply unless the relevant conduct
24 began on or after the date on which
25 the alien files an application for reg-

1 istered provisional immigrant status
2 under this section;

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

8 “(iv) was, on April 16, 2013—

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

11 “(II) an alien admitted as a ref-
12 ugee under section 207 or granted
13 asylum under section 208; or

14 “(III) an alien who, according to
15 the records of the Secretary or the
16 Secretary of State, is lawfully present
17 in the United States in any non-
18 immigrant status (other than an alien
19 considered to be a nonimmigrant sole-
20 ly due to the application of section
21 244(f)(4) or the amendment made by
22 section 702 of the Consolidated Nat-
23 ural Resources Act of 2008 (Public
24 Law 110–229)), notwithstanding any

1 “(IV) with respect to misrepre-
2 sentations relating to the application
3 for registered provisional immigrant
4 status, section 212(a)(6)(C)(i).

5 “(C) CONVICTION EXPLAINED.—For pur-
6 poses of this paragraph, the term ‘conviction’
7 does not include a judgment that has been ex-
8 punged, set aside, or the equivalent.

9 “(D) RULE OF CONSTRUCTION.—Nothing
10 in this paragraph may be construed to require
11 the Secretary to commence removal proceedings
12 against an alien.”.