

**Comparison of Immigration Relief Bills Introduced in the US Congress in 2021**  
**April 2021**

Various pieces of legislation have been introduced in the US Congress in 2021 designed to provide immigration relief to certain members of the undocumented community. In this resource, we provide a comparison of key provisions of some of these bills. The ILRC applauds the leadership and organizing of immigrant communities who have bravely fought for years to ensure these proposals for relief are considered by Congress and that all members of our communities can live with dignity. These bills are important steps forward in addressing the inequities in our immigration system, however the ILRC believes that legislative proposals should be fully inclusive so that individuals who have had contact with the criminal legal system are not disqualified for relief.

Below is a table that summarizes key legislation, the requirements for each proposal, and the limitations as well as a detailed chart on the criminal provisions that would affect people attempting to qualify for relief. The requirements for the current DACA and TPS program are also included.

	<b>Bills Introduced in 117<sup>th</sup> Congress</b>					<b>Current Immigration Programs</b>	
	<b><u><a href="#">U.S. Citizenship Act (H.R.1177 and S. )</a></u></b>	<b><u><a href="#">American Dream and Promise Act of 2021 (H.R. 6)</a></u></b>	<b><u><a href="#">Dream Act of 2021 (S. 264)</a></u></b>	<b><u><a href="#">Farm Workforce Modernization Act of 2021 (H.R. 1603)</a></u></b>	<b><u><a href="#">Citizenship for Essential Workers Act (S.747)</a></u></b>	<b><u><a href="#">Deferred Action for Childhood Arrivals</a></u></b>	<b><u><a href="#">Temporary Protective Status (TPS)</a></u></b>
<b>Status</b>	<b>Sponsor:</b> Rep. Sanchez, Linda T. [ D-CA-38] <b>Introduced:</b> 02/18/2021 <b>Latest Action:</b> Referred to Committee	<b>Sponsor:</b> Rep. Roybal-Allard, Lucille [D-CA-40] <b>Introduced:</b> 03/03/2021 <b>Latest Action:</b> Passed in House of Representatives on 03/18/2021	<b>Sponsor:</b> Sen. Durbin, Richard J. [D-IL] <b>Introduced:</b> 02/04/2021 <b>Latest Action:</b> Read and referred to the Committee on the Judiciary on 02/04/2021	<b>Sponsor:</b> Rep. Lofgren, Zoe [D-CA-19] <b>Introduced:</b> 03/08/2021 <b>Latest Action:</b> Passed in the House of Representatives on 03/18/2021	<b>Sponsor:</b> Sen. Padilla, Alex <b>Introduced:</b> 03/15/2021 <b>Latest Action:</b> Referred to the Committee on the Judiciary.	The program was reinstated in Dec. 2020 by NY Federal Court. <sup>1</sup>  There is a pending lawsuit on the legality of DACA in Texas asking for the termination of the program.	Currently there are several lawsuits pending challenging the termination of TPS for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan. <sup>2</sup>  Somalia, South Sudan, Syria, and Yemen were not terminated. <sup>3</sup>  Venezuela was recently designated as a TPS country.
<b>General Overview</b>	Provides individuals temporary legal status for six years with option to obtain lawful permanent residency after five years.  Persons with Deferred Action for Childhood Arrivals (DACA) or who entered the country before 18 years old and satisfy	<b><u>Dream Act:</u></b> Provides individuals conditional permanent resident status for up to 10 years with ability to obtain lawful permanent residency after meeting certain requirements for individuals who arrived at 18 years of age or before.	Provides conditional permanent resident status with opportunity to obtain lawful permanent residency for individuals who arrived in the United States before the age of 18.	Provides a process for farm workers to seek Certified Agricultural Worker (CAW) Status and permanent residency for those who meet program requirements.	Provides a process for certain individuals working in certain sectors, industries, and occupations to obtain lawful permanent residency.	Provides protection from deportation to eligible individuals who meet program requirements.  <i>Does not provide a pathway to lawful permanent residency.</i>	Provides temporary protected status (TPS) to nationals of certain countries experiencing armed conflict, natural disasters, and other emergencies.

	certain educational requirements; agricultural workers; Temporary Protected Status (TPS); or Deferred Enforced Departure (DED) could apply directly for lawful permanent residency.	<b><u>American Promise Act:</u></b> Provides individuals who have TPS or DED ability to obtain lawful permanent residency.	DACA Recipients who continue to be eligible for DACA are eligible to adjust to lawful permanent residency.				<i>Does not provide a pathway to lawful permanent residency.</i>
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<p><b>Eligible Individuals:</b></p>	<ul style="list-style-type: none"> <li>• Are continuously present in the United States since January 1, 2017,</li> <li>• Have paid all required federal taxes, and</li> <li>• Pass a criminal and background check.</li> </ul>	<p><b><u>Dream Act:</u></b></p> <ul style="list-style-type: none"> <li>• Are continuously physically present in the US on or before January 1, 2021,</li> <li>• Initially entered at 18 years old or younger,</li> <li>• Have graduated from High School, obtained GED, or industry recognized credential or equivalent, and</li> <li>• Pass security checks.</li> </ul> <p><b><u>American Promise Act:</u></b></p> <ul style="list-style-type: none"> <li>• Have been in the United States for a period of 3 years before the enactment of the law, and</li> <li>• Are eligible for or had TPS on September 17, 2017 or had DED status as of January 20, 2021.</li> </ul>	<ul style="list-style-type: none"> <li>• Are continuously present in the United States for 4 years prior to the enactment of the law,</li> <li>• Were younger than 18 years of age when they entered the United States,</li> <li>• Meet certain educational requirements,<sup>4</sup> and</li> <li>• Pass certain background checks and medical examination.</li> </ul>	<p>Certified Agricultural Workers:</p> <ul style="list-style-type: none"> <li>• 5.5. years of certified agricultural status given to individuals who have worked at least 180 days in agriculture over the last 2 years prior to the enactment of the law.</li> </ul> <p>Optional lawful permanent residency for long term workers.</p> <ul style="list-style-type: none"> <li>• Have worked at least 100 days each year, for at least: <ul style="list-style-type: none"> <li>-10 years prior to the date the law starts and for at least 4 years in certified agricultural worker status OR</li> <li>-if less than 10 years prior to the start of the law and for at least 8 years in certified agricultural worker status,</li> </ul> </li> <li>• Are not ineligible for CAW status, AND</li> <li>• Pay \$1,000 fine.</li> </ul> <p>Pass certain background checks.</p>	<ul style="list-style-type: none"> <li>• Work in certain private, public, or nonprofit sectors; industries or occupations and earned income for that work during the period described,<sup>5</sup></li> <li>• Have earned income in any sector, industry or occupation described but who was unable to continue work,<sup>6</sup></li> <li>• Are the surviving parent, spouse, son or daughter of an individual who: performed work in the sectors described and died of COVID, or</li> <li>• Are the parent, spouse, son, or daughter of a member of the Armed Forces, including the national guard,</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>• Are physically present on day that application is submitted and has continuously been physically present since Jan. 1, 2021 until application is approved.</li> <li>• <u>Physical Presence Exceptions:</u> <ul style="list-style-type: none"> <li>-Authorized travel; brief, casual, innocent absences.<sup>7</sup></li> </ul> </li> </ul>	<p>2-year protection with an opportunity to renew for people who:</p> <ul style="list-style-type: none"> <li>• Were under 31 on June 15, 2012,</li> <li>• Entered before the age of 16,</li> <li>• Continuously resided in USA since June 15, 2007,</li> <li>• Were physically present on June 15, 2015 and had no lawful status,</li> <li>• Meet certain educational requirements, and</li> <li>• Have not been convicted of certain crimes.</li> </ul>	<ul style="list-style-type: none"> <li>• Are national of a country designated for TPS,<sup>8</sup></li> <li>• Filed during the open initial registration or re-registration period, or meet the requirements for late filing,</li> <li>• Continuously physically present in the USA since the effective date of the most recent designation date, and</li> <li>• Been continuously residing in the USA since the date specified for your country.</li> </ul>
<p><b>Unless an Exception, Waiver, or Expungement, Applies (see below),</b></p>	<p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• Three misdemeanors that did not occur on the same date or arise from the same scheme.</li> </ul>	<p><b><u>Dream Act</u></b></p> <p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• Three misdemeanors that did not occur on the same date or arise from the same scheme. A</li> </ul>	<p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• Three misdemeanors where the convictions did not</li> </ul>	<p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• Three misdemeanors not occurring on the same date or arising from the same scheme.</li> </ul>	<p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• Three misdemeanors that did not occur on the same date or arise from the same scheme.</li> </ul>	<p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• Three misdemeanors that did not occur on the same date or arise</li> </ul>	<p><b><u>Convicted of:</u></b></p> <ul style="list-style-type: none"> <li>• One felony</li> <li>• 2 or more misdemeanors</li> </ul> <p><b><u>Inadmissible under:</u></b></p>

<p><b>Individuals are Ineligible for Relief if:</b></p>	<p><u>Inadmissible under:</u></p> <ul style="list-style-type: none"> <li>• Criminal Grounds</li> <li>• Security and related grounds</li> <li>• Smuggling</li> <li>• Permanently ineligible for citizenship</li> <li>• International child abduction OR</li> <li>• Renouncing citizenship to avoid taxation.</li> </ul> <p><u>Gangs, Public Safety, Juvenile Adjudications:</u> Not mentioned.</p>	<p>misdemeanor is punishable by more than five days but not more than one year.</p> <p><u>Inadmissible under:</u></p> <ul style="list-style-type: none"> <li>• Criminal grounds</li> <li>• Security and related grounds</li> <li>• Health-related grounds</li> <li>• Smuggling</li> <li>• Student visa violators</li> <li>• Ineligible for citizenship OR</li> <li>• Other grounds under 212(a)(10).<sup>9</sup></li> </ul> <p><u>Gangs, Public Safety, Juvenile Adjudications:</u> DHS can “provisionally deny” adjustment in their discretion if “based on clear and convincing evidence, which shall include credible law enforcement information,” they find the person is in either of two public safety categories:</p> <ol style="list-style-type: none"> <li>1) Has a conviction of a misdemeanor with a potential 30-day sentence, <i>or</i> a juvenile delinquency disposition that resulted in placement in a secure facility, <i>if</i> the person “poses a significant and continuing threat to public safety” related to those events. The statute sets out criteria for this finding.<sup>10</sup> The misdemeanor cannot be a state immigration offense, minor cannabis offense,<sup>11</sup> or an offense involving nonviolent civil disobedience. <i>OR</i></li> <li>2) Within the 5 years immediately preceding the date of application, the person knowingly and voluntarily “participated in offenses committed by a criminal street</li> </ol>	<p>occur on the same date, and the person spent an aggregate 90 days or more in jail.</p> <p><u>Inadmissible under:</u></p> <ul style="list-style-type: none"> <li>• Criminal Grounds</li> <li>• Security and related Grounds</li> <li>• Smuggling</li> <li>• Student visa abusers</li> <li>• Ineligible for citizenship</li> <li>• Practicing polygamist</li> <li>• International child abduction</li> <li>• Unlawful voters</li> </ul> <p><u>Gangs, Public Safety, Juvenile Adjudications:</u> Not mentioned.</p> <p><u>Other bars:</u></p> <ul style="list-style-type: none"> <li>• Persecutors<sup>15</sup> are barred.</li> </ul>	<ul style="list-style-type: none"> <li>• An aggravated felony</li> <li>• Two misdemeanor crimes involving moral turpitude<sup>16</sup></li> </ul> <p><u>Inadmissible under:</u></p> <ul style="list-style-type: none"> <li>• Health related grounds</li> <li>• Criminal grounds</li> <li>• Smuggling</li> <li>• Security and related grounds</li> <li>• Ineligible for citizenship</li> <li>• Other grounds under 212(a)(10)</li> </ul> <p><u>Inadmissibility Grounds that DO NOT apply:</u></p> <ul style="list-style-type: none"> <li>• Public charge</li> <li>• Labor certification and qualifications for certain immigrants</li> <li>• Documentation requirements</li> <li>• Unlawfully present</li> </ul> <p><u>Inadmissible under the following grounds, ONLY if it occurred after the date the Act is introduced:</u></p> <ul style="list-style-type: none"> <li>• entering without permission</li> <li>• misrepresentation</li> <li>• stowaways</li> <li>• subject to civil penalty</li> <li>• student visa violators</li> <li>• being unlawfully present after a previous immigration violation</li> <li>• guardian required to accompany helpless alien.</li> </ul> <p><u>Inadmissible under the following grounds if occurs</u></p>	<p><u>Inadmissible under:</u></p> <ul style="list-style-type: none"> <li>• Criminal grounds</li> <li>• Security and related grounds</li> <li>• Smuggling</li> <li>• Ineligible for citizenship</li> <li>• International child abduction</li> <li>• Former citizens who renounced citizenship to avoid taxation.</li> </ul> <p><u>Gangs, Public Safety, Juvenile Adjudications:</u></p> <ul style="list-style-type: none"> <li>• Not mentioned.</li> </ul> <p><u>Other ineligible groups:</u></p> <ul style="list-style-type: none"> <li>• Admitted for permanent residence.</li> <li>• Admitted as a refugee or granted asylum.</li> <li>• Authorized stay in a nonimmigrant status under 101(a)(15) other than spouses, sons, or daughter, who is eligible, described in section 101(a)(15)(H)(ii); paroled into the Commonwealth of the Northern Mariana Islands or Guam.</li> <li>• Departed while subject to an order of exclusion, deportation, removal, or voluntary departure; and was outside the United States on January 1, 2021 or reentered the United States unlawfully after January 1, 2021</li> </ul>	<p>from the same scheme. A misdemeanor is punishable by more than five days but not more than one year.</p> <ul style="list-style-type: none"> <li>• One “significant misdemeanor,” which is a misdemeanor involving drug trafficking, firearms, domestic violence, burglary, sexual abuse, or DUI, or any misdemeanor where more than 90-day sentence was imposed and not suspended.</li> </ul> <p><u>Inadmissible under:</u></p> <ul style="list-style-type: none"> <li>• Inadmissibility grounds do not apply to DACA applications.</li> </ul> <p><u>Gangs, Public Safety, Other Bars:</u></p> <ul style="list-style-type: none"> <li>• People deemed a threat to public safety, which includes gang activity, are barred.</li> <li>• Juvenile delinquency adjudications are not a per se bar for relief but can be an adverse factor in discretion.</li> </ul> <p>See online guides for more information on</p>	<ul style="list-style-type: none"> <li>• Any ground other than public charge or failure to have a visa or labor certification, INA § 212(a)(4), (5), (7)(A).</li> </ul> <p><u>Other Bars:</u></p> <ul style="list-style-type: none"> <li>• Subject to any mandatory bars to asylum, INA § 208(b)(2)(C) (persecutor, convicted of a particularly serious crime, etc.)</li> </ul>
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<b>Criminal Bar Exceptions</b>	<ul style="list-style-type: none"> <li>• A felony or misdemeanor do not include any offense under state law for which an essential element is the person’s immigration status</li> </ul>	<p><b><u>Dream Act</u></b></p> <ul style="list-style-type: none"> <li>• The one felony and three misdemeanors do not include state immigration offenses or minor traffic offenses.</li> </ul>	<ul style="list-style-type: none"> <li>• The one felony and three misdemeanors do not include state</li> </ul>	<ul style="list-style-type: none"> <li>• The one felony and three misdemeanors do not include state immigration offenses</li> </ul>	<p><u>Convictions:</u></p> <ul style="list-style-type: none"> <li>• One felony and three misdemeanors do not include state immigration offenses.</li> </ul>	<ul style="list-style-type: none"> <li>• One felony, three misdemeanors do not include state immigration offenses.</li> </ul>	

	<p>(“state immigration offense”).</p> <ul style="list-style-type: none"> <li>A misdemeanor also does not include minor traffic offenses, certain minor cannabis offenses,<sup>18</sup> or offenses involving nonviolent civil disobedience.</li> </ul>	<ul style="list-style-type: none"> <li>The three misdemeanors also do not include certain minor cannabis offenses<sup>19</sup> or offenses involving nonviolent civil disobedience.</li> </ul> <p><b><u>American Promise Act</u></b></p> <ul style="list-style-type: none"> <li>No specific exceptions</li> </ul>	immigration offenses.	or minor traffic offenses.	<ul style="list-style-type: none"> <li>Three misdemeanors also do not include certain minor cannabis offenses,<sup>20</sup> minor traffic offenses, or offenses involving nonviolent civil disobedience.</li> </ul>	<ul style="list-style-type: none"> <li>Three misdemeanors also do not include minor traffic offenses.</li> </ul>	
<p><b>Waivers for humanitarian purposes, family unity, public interest</b></p>	<p>Can waive criminal inadmissibility grounds at INA § 212(a)(2)(A), (C), or (D) (moral turpitude and drug offenses, immigration authorities have reason to believe the person trafficked in drugs, and prostitution).</p> <p>Can waive INA § 212(a)(2)(B) (inadmissible for two or more convictions for which an aggregate sentence of five years or more was imposed) if the person has not had any convictions within the ten years preceding the application.</p> <p>Can waive conviction/s for purposes of the one felony/three misdemeanor bar. To waive one misdemeanor, the person must have had no convictions in the five years preceding the application. To waive two misdemeanors or one felony, the person must have had no convictions in the preceding ten years, and the felony must not be an aggravated felony.</p> <p>The statute sets out factors for DHS to consider for the waiver.<sup>21</sup></p>	<p><b><u>Dream Act waiver:</u></b></p> <p>Can waive criminal inadmissibility grounds at INA § 212(a)(A), (C), or (D) (moral turpitude and drug offenses, immigration authorities have reason to believe the person trafficked in drugs, and prostitution).</p> <p>Can waive conviction/s for purposes of the one felony/three misdemeanor bar, <i>and</i> for purposes of the bar, which is unique to this version of the Dream Act, based on a misdemeanor conviction of a crime of domestic violence. For these purposes, the applicant can waive one misdemeanor if they had no convictions at all for the five-year period preceding the application, and can waive two misdemeanors and/or one felony if they had no convictions in the preceding ten-year period.</p> <p><b><u>Promise Act Waiver:</u></b></p> <p>Like the Dream Act, the Promise Act can waive inadmissibility under INA § 212(a)(A), (C), or (D). It will not waive convictions for purposes of the one felony/ two misdemeanor bar.</p>	Can waive any criminal ground of inadmissibility.	Can waive criminal inadmissibility grounds at INA § 212(a)(2)(A), (D) (moral turpitude, drug offense, prostitution) – <i>unless</i> the conviction also is a bar as a felony, aggravated felony, or three misdemeanors.	<p>Can waive inadmissibility under INA 212(a)(6), (8), (10)(C), and (10)(E).</p> <p>Can waive INA § 212(a)(2)(A), (C), (D) (inadmissible for moral turpitude and drug offenses, immigration authorities have reason to believe the person trafficked in drugs, and prostitution. It also broadens the petty offense exception to the moral turpitude ground, see “Other Provisions of Note,” below).</p> <p>Can waive INA § 212(a)(2)(B) (inadmissible for two or more convictions for which an aggregate sentence of five years or more was imposed) if the person has not had any convictions within the ten years preceding the application.</p> <p>Can waive conviction/s for purposes of the one felony/three misdemeanor bar. To waive one misdemeanor, the person must have had no convictions in the five years preceding the application. To waive two</p>	Waiver for criminal history available for convictions where there are “exceptional circumstances.”	<p>Can waive any ground of inadmissibility <i>except:</i></p> <ul style="list-style-type: none"> <li>Criminal grounds at § 212(a)(2)(A), (B), (C) (moral turpitude, drugs other than simple possession of 30 grams or less of marijuana; and two or more convictions with an aggregate sentence of five years or more)</li> <li>Security grounds at INA 212(a)(3)(A), (B), (C), (E)</li> </ul>

					<p>misdemeanors or one felony, the person must have had no convictions in the preceding ten years, and the felony must not be an aggravated felony.</p> <p>The statute sets out factors for DHS to consider for the waiver.<sup>22</sup></p>		
<b>Expungement, Changes to Definition of Conviction</b>	<p>Amends INA 101(a)(48) so that for all immigration purposes, “conviction” excludes:</p> <ul style="list-style-type: none"> <li>• Expunged offenses</li> <li>• Judicial Recommendation Against Removal; order of probation without judgment; or any similar disposition</li> <li>• Judgment on appeal or within time to file appeal.</li> </ul>	For both Dream and Promise Act purposes, “conviction” does not include an expunged conviction.	Expunged convictions are considered on a case-by-case basis according to the nature, severity of the offense and considering individual circumstances.	‘Conviction’ does not include an expunged conviction.	<p>Amends INA 101(a)(48) so that for all immigration purposes, “conviction” excludes:</p> <ul style="list-style-type: none"> <li>• Expunged offenses</li> <li>• Judicial Recommendation Against Removal; order of probation without judgment; or any similar disposition</li> <li>• Judgment on appeal or within time to file appeal.</li> </ul> <p>This applies retroactively.</p>	Not an automatic bar but can be considered on a case-by-case basis.	An expungement does not prevent a conviction from serving as a bar.
<b>Other Provisions of Note</b>	<ul style="list-style-type: none"> <li>• Defines “sentence” to exclude suspended imposition or execution of sentence</li> <li>• Broadens the “petty offense exception” to the moral turpitude inadmissibility ground to include two minor offenses<sup>23</sup></li> <li>• Creates a discretionary waiver of any inadmissibility ground/s (except for security grounds) and deportability grounds (except for security grounds or aggravated felony conviction)<sup>24</sup></li> <li>• Creates a “smart wall” by increasing surveillance</li> </ul>	Provides confidentiality provisions prohibiting the information provided in filed applications from being shared with ICE (with exceptions).	<ul style="list-style-type: none"> <li>• Prevents removal of persons who appear prima facie eligible for relief under this section; provides; opportunity to apply for relief</li> <li>• Stay of removal for individuals who meet requirements and are at least 5 years of age, enrolled in an elementary school, a secondary school, or an early childhood education program.</li> </ul>	<ul style="list-style-type: none"> <li>• Streamline and improves H-2A system – consolidates process for employers, improves wages for workers and improves access to housing.</li> <li>• Makes E-Verify mandatory throughout the agricultural industry.</li> </ul>	<ul style="list-style-type: none"> <li>• Broadens the “petty offense exception” to the moral turpitude inadmissibility ground to include two minor offenses<sup>25</sup></li> <li>• On request, an employer, the agent of an employer, or any person who provides compensation directly or indirectly to a worker for labor or service, shall provide a worker with documents that will assist the worker’s filing of an application.</li> <li>• Individual able to apply for advance parole while application pending.</li> </ul>	Defines sentence to exclude suspended sentences.	N/A

	<p>technology along the U.S./Mexico border</p> <ul style="list-style-type: none"> <li>• Repeals the 3/10 and permanent bars of inadmissibility.</li> <li>• Creates a process for certain persons who were removed under the Trump administration to apply for relief.</li> <li>• Replaces the term “alien” with “noncitizen” in the Immigration and Nationality Act</li> <li>• Clears backlogs for certain immigrant petitions and increases the overall number of visas available for immigration petitions.</li> <li>• Eliminates the one-year deadline for filing asylum claims.</li> <li>• Creates new systems for Central Americans seeking refugee status.</li> <li>• No Ban Act, prohibiting discrimination based on religion and limits presidential authority to issue future bans.</li> </ul>		<ul style="list-style-type: none"> <li>• Repeals IIRAIRA section 505 preventing a person not lawfully present in the United States from being eligible on the basis of residence within a State for any postsecondary education benefit.</li> </ul>		<ul style="list-style-type: none"> <li>• Repeals the 3-Year, 10-Year, and Permanent Bar under INA section 212(a)(9)<sup>26</sup></li> </ul>		
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<sup>1</sup> DACA is currently open to all eligible individuals who have DACA, had DACA, or never had the opportunity to request DACA. USCIS is actively accepting initial, renewal, and advance parole requests.

<sup>2</sup> See INA § 244, 8 CFR § 244.

<sup>3</sup> For more information on TPS and the current status of the program see ILRC’s *Temporary Protect Status (TPS): An Update on Status and Options* and *TPS for Venezuela: An Overview* available at [https://www.ilrc.org/sites/default/files/resources/tps\\_an\\_update\\_on\\_status\\_and\\_options\\_dec\\_2020.pdf](https://www.ilrc.org/sites/default/files/resources/tps_an_update_on_status_and_options_dec_2020.pdf) and [https://www.ilrc.org/sites/default/files/resources/tps\\_for\\_venezuela\\_march\\_2021.pdf](https://www.ilrc.org/sites/default/files/resources/tps_for_venezuela_march_2021.pdf) and see country listings at <https://www.uscis.gov/humanitarian/temporary-protected-status>.

<sup>4</sup> Education Requirements include being admitted to institution of higher education, having earned a high school diploma/ GED, is enrolled in secondary school OR in an education program to get HS diploma, GED.

<sup>5</sup> Essential workers for the purpose of this bill includes: Health care; emergency response; sanitation; restaurant ownership, food preparation, vending, catering, food packaging, food services, or delivery; hotel or retail; fish, poultry, and meat processing work; agricultural work, including labor that is seasonal in nature; commercial or residential landscaping; commercial or residential construction or renovation; housing, residential, and commercial construction related activities or public works construction; domestic work in private households, including child care, home care, or house cleaning; natural disaster recovery, disaster reconstruction, and related construction; home and community-based work, including—home health care; residential care; assistance with activities of daily living; family care, including child care services, in-home child care services such as nanny services, and care services provided

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by family members to other family members; manufacturing, warehousing, transportation or logistics, janitorial; laundromat and dry-cleaning operators; any other work in ‘essential critical infrastructure labor or services’ as described in the memo of DHS during COVID; any other work that the state or local government considers to be essential during the emergency.

<sup>6</sup> Unable to continue work at no fault of their own or that work through no fault of their own, including because the working conditions posed a high degree of risk to the individual’s health and safety and have been seeking to resume work in any such sector, industry, or occupation,

<sup>7</sup> Travel will not be considered brief, casual, and innocent if more than 180 days in the aggregate, during a calendar year, unless Secretary finds that the length of the absence was due to circumstances beyond the individual’s control (like illness, death of family member). Additionally, issuance of a Notice to appear under section 239(a) will not interrupt the continuity of an individual’s continuous physical presence.

<sup>8</sup> As of March 2021, TPS designated countries included: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, Venezuela, and Yemen.

<sup>9</sup> INA 210(a)(10) includes inadmissibility grounds related to practicing polygamists, guardian required to accompany helpless aliens, international child abduction, unlawful voters, and former citizens who renounced citizenship to avoid taxation.

<sup>10</sup> DHS will consider recency of adjudication; length of sentence/placement; nature and seriousness of offense, including whether it involved possession or use of deadly weapon intended to cause serious injury; and any mitigating factor pertaining to the person’s role in the commission of the offense.

<sup>11</sup> For purposes of the three-misdemeanor bar, the Citizenship Act excludes conviction of certain cannabis offenses: simple possession and possession of paraphernalia, as well as any cannabis or cannabis paraphernalia offenses that are no longer prosecuted in the state where the conviction occurred.

<sup>12</sup> Has not ordered, assisted, or participated in persecution based on race, religion, nationality, social group, or political opinion.

<sup>13</sup> Crime of domestic violence is defined as an offense that has as an element use, or attempted or threatened use, of physical force where the victim and perpetrator had a designated relationship (similar to those described in the domestic violence deportation ground).

<sup>14</sup> The conviction of a crime of DV is not a bar if the person shows the crime was related to their having been (a) a victim of domestic violence, sexual assault, stalking, child abuse or neglect, abuse or neglect in later life, or human trafficking; (b) battered or subjected to extreme cruelty; or (c) a victim of criminal activity described in the U visa statute, INA § 101(a)(15)(U)(iii).

<sup>15</sup> Has not ordered, assisted, or participated in persecution based on race, religion, nationality, social group, or political opinion.

<sup>16</sup> A “crime involving moral turpitude” (CIMT) is a technical term for a category of criminal offenses that can make a noncitizen deportable, inadmissible, and/or barred from relief, depending on a number of factors set out in the INA. For more information on CIMTs and how they apply to current immigration law, see ILRC’s *All Those Rules About Crimes Involving Moral Turpitude* available at: [https://www.ilrc.org/sites/default/files/resources/all\\_those\\_rules\\_cimt\\_june\\_2020\\_0.pdf](https://www.ilrc.org/sites/default/files/resources/all_those_rules_cimt_june_2020_0.pdf).

<sup>17</sup> For a chart showing the crimes bars and exceptions, go to [https://www.ilrc.org/sites/default/files/documents/ilrc-2012-daca\\_chart.pdf](https://www.ilrc.org/sites/default/files/documents/ilrc-2012-daca_chart.pdf). Also, see generally [www.ilrc.org/daca](http://www.ilrc.org/daca).

<sup>18</sup> For purposes of the three-misdemeanor bar, the Citizenship Act excludes conviction of certain cannabis offenses: simple possession and possession of paraphernalia, as well as any cannabis or cannabis paraphernalia offenses that are no longer prosecuted in the state where the conviction occurred.

<sup>19</sup> Provides the same exceptions for certain cannabis offenses as the U.S. Citizenship Act, described above.

<sup>20</sup> Provides the same exceptions for certain cannabis offenses as the U.S. Citizenship Act, described above in footnote 16.

<sup>21</sup> In deciding the waiver, DHS will consider such factors as the severity of the underlying circumstances and crime, duration of applicant’s residence in the U.S., evidence of rehabilitation if applicable, and adverse effect on LPR and USC family members.

<sup>22</sup> In deciding the waiver, DHS will consider such factors as the severity of the underlying circumstances and crime, duration of applicant’s residence in the U.S., evidence of rehabilitation if applicable, and adverse effect on LPR and USC family members.

<sup>23</sup> A noncitizen who was convicted of, or admits having committed, one crime involving moral turpitude (CIMT) is inadmissible -- unless they come within certain exceptions. The existing petty offense exception applies to a person who committed just one CIMT, if it carries a maximum possible sentence of one year or less, and if a sentence of 180 days or less was imposed. INA 212(a)(2)(A)(i), (ii). This provision would enlarge the exception to include two such convictions or admissions.

<sup>24</sup> The waiver can be granted based on humanitarian, family unity, or public interest. It does not cover inadmissibility under INA § 212(a)(3) or deportability under § 237(a)(4) or for conviction of an aggravated felony as defined at INA § 101(a)(43). In deciding the waiver, DHS will consider such factors as the severity of the underlying circumstances and crime, duration of applicant’s residence in the U.S., evidence of rehabilitation if applicable, and adverse effect on LPR and USC family members.

<sup>25</sup> A noncitizen who was convicted of, or admits having committed, one crime involving moral turpitude (CIMT) is inadmissible -- unless they come within certain exceptions. The existing petty offense exception applies to a person who committed just one CIMT, if it carries a maximum possible sentence of one year or less, and if a sentence of 180 days or less was imposed. INA 212(a)(2)(A)(i), (ii). This provision would enlarge the exception to include two such convictions or admissions.

<sup>26</sup> A noncitizen who was convicted of, or admits having committed, one crime involving moral turpitude (CIMT) is inadmissible -- unless they come within certain exceptions. The existing petty offense exception applies to a person who committed just one CIMT, if it carries a maximum possible sentence of one year or less, and if a sentence of 180 days or less was imposed. INA 212(a)(2)(A)(i), (ii). This provision would enlarge the exception to include two such convictions or admissions.