

112TH CONGRESS
1ST SESSION

S. _____

To authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN (for himself, Mr. REID, Mr. LEAHY, Mr. SCHUMER, Mr. MENENDEZ, Mr. LEVIN, Mr. LIEBERMAN, Mr. AKAKA, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mrs. BOXER, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. COONS, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. LAUTENBERG, Mr. MERKLEY, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. REED, Mr. SANDERS, Mr. UDALL of Colorado, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Development, Relief, and Education for Alien Minors Act
4 of 2011” or the “DREAM Act of 2011”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Conditional permanent resident status for certain long-term residents
 who entered the United States as children.
- Sec. 4. Terms of conditional permanent resident status.
- Sec. 5. Removal of conditional basis of permanent resident status.
- Sec. 6. Regulations.
- Sec. 7. Penalties for false statements.
- Sec. 8. Confidentiality of information.
- Sec. 9. Higher education assistance.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) IN GENERAL.—Except as otherwise specifi-
10 cally provided, a term used in this Act that is used
11 in the immigration laws shall have the meaning
12 given such term in the immigration laws.

13 (2) IMMIGRATION LAWS.—The term “immigra-
14 tion laws” has the meaning given such term in sec-
15 tion 101(a)(17) of the Immigration and Nationality
16 Act (8 U.S.C. 1101(a)(17)).

17 (3) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given such term in section 102 of the High-
20 er Education Act of 1965 (20 U.S.C. 1002), except

1 that the term does not include an institution of high-
2 er education outside the United States.

3 (4) SECRETARY.—Except as otherwise specifi-
4 cally provided, the term “Secretary” means the Sec-
5 retary of Homeland Security.

6 (5) UNIFORMED SERVICES.—The term “Uni-
7 formed Services” has the meaning given the term
8 “uniformed services” in section 101(a) of title 10,
9 United States Code.

10 **SEC. 3. CONDITIONAL PERMANENT RESIDENT STATUS FOR**
11 **CERTAIN LONG-TERM RESIDENTS WHO EN-**
12 **TERED THE UNITED STATES AS CHILDREN.**

13 (a) CONDITIONAL BASIS FOR STATUS.—Notwith-
14 standing any other provision of law, an alien shall be con-
15 sidered, at the time of obtaining the status of an alien
16 lawfully admitted for permanent residence under this sec-
17 tion, to have obtained such status on a conditional basis
18 subject to the provisions of this Act.

19 (b) REQUIREMENTS.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law, the Secretary may cancel removal
22 of, and adjust to the status of an alien lawfully ad-
23 mitted for permanent residence on a conditional
24 basis, an alien who is inadmissible or deportable
25 from the United States or is in temporary protected

1 status under section 244 of the Immigration and
2 Nationality Act (8 U.S.C. 1254a), if the alien dem-
3 onstrates by a preponderance of the evidence that—

4 (A) the alien has been continuously phys-
5 ically present in the United States since the
6 date that is 5 years before the date of the en-
7 actment of this Act;

8 (B) the alien was 15 years of age or
9 younger on the date the alien initially entered
10 the United States;

11 (C) the alien has been a person of good
12 moral character since the date the alien initially
13 entered the United States;

14 (D) subject to paragraph (2), the alien—

15 (i) is not inadmissible under para-
16 graph (2), (3), (6)(E), (6)(G), (8),
17 (10)(A), (10)(C), or (10)(D) of section
18 212(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a));

20 (ii) has not ordered, incited, assisted,
21 or otherwise participated in the persecution
22 of any person on account of race, religion,
23 nationality, membership in a particular so-
24 cial group, or political opinion; and

25 (iii) has not been convicted of—

1 (I) any offense under Federal or
2 State law punishable by a maximum
3 term of imprisonment of more than 1
4 year; or

5 (II) 3 or more offenses under
6 Federal or State law, for which the
7 alien was convicted on different dates
8 for each of the 3 offenses and impris-
9 oned for an aggregate of 90 days or
10 more;

11 (E) the alien—

12 (i) has been admitted to an institution
13 of higher education in the United States;
14 or

15 (ii) has earned a high school diploma
16 or obtained a general education develop-
17 ment certificate in the United States; and

18 (F) the alien was 35 years of age or
19 younger on the date of the enactment of this
20 Act.

21 (2) WAIVER.—With respect to any benefit
22 under this Act, the Secretary may waive the grounds
23 of inadmissibility under paragraph (6)(E), (6)(G), or
24 (10)(D) of section 212(a) of the Immigration and
25 Nationality Act (8 U.S.C. 1182(a)) for humanitarian

1 purposes or family unity or when it is otherwise in
2 the public interest.

3 (3) SUBMISSION OF BIOMETRIC AND BIO-
4 GRAPHIC DATA.—The Secretary may not grant per-
5 manent resident status on a conditional basis to an
6 alien under this section unless the alien submits bio-
7 metric and biographic data, in accordance with pro-
8 cedures established by the Secretary. The Secretary
9 shall provide an alternative procedure for applicants
10 who are unable to provide such biometric or bio-
11 graphic data because of a physical impairment.

12 (4) BACKGROUND CHECKS.—

13 (A) REQUIREMENT FOR BACKGROUND
14 CHECKS.—The Secretary shall utilize biometric,
15 biographic, and other data that the Secretary
16 determines is appropriate—

17 (i) to conduct security and law en-
18 forcement background checks of an alien
19 seeking permanent resident status on a
20 conditional basis under this section; and

21 (ii) to determine whether there is any
22 criminal, national security, or other factor
23 that would render the alien ineligible for
24 such status.

1 (B) COMPLETION OF BACKGROUND
2 CHECKS.—The security and law enforcement
3 background checks required by subparagraph
4 (A) for an alien shall be completed, to the satis-
5 faction of the Secretary, prior to the date the
6 Secretary grants permanent resident status on
7 a conditional basis to the alien.

8 (5) MEDICAL EXAMINATION.—An alien applying
9 for permanent resident status on a conditional basis
10 under this section shall undergo a medical examina-
11 tion. The Secretary, with the concurrence of the Sec-
12 retary of Health and Human Services, shall pre-
13 scribe policies and procedures for the nature and
14 timing of such examination.

15 (6) MILITARY SELECTIVE SERVICE.—An alien
16 applying for permanent resident status on a condi-
17 tional basis under this section shall establish that
18 the alien has registered under the Military Selective
19 Service Act (50 U.S.C. App. 451 et seq.), if the
20 alien is subject to such registration under that Act.

21 (c) DETERMINATION OF CONTINUOUS PRESENCE.—

22 (1) TERMINATION OF CONTINUOUS PERIOD.—
23 Any period of continuous physical presence in the
24 United States of an alien who applies for permanent
25 resident status on a conditional basis under this sec-

1 tion shall not terminate when the alien is served a
2 notice to appear under section 239(a) of the Immi-
3 gration and Nationality Act (8 U.S.C. 1229(a)).

4 (2) TREATMENT OF CERTAIN BREAKS IN PRES-
5 ENCE.—

6 (A) IN GENERAL.—An alien shall be con-
7 sidered to have failed to maintain continuous
8 physical presence in the United States under
9 subsection (b)(1)(A) if the alien has departed
10 from the United States for any period in excess
11 of 90 days or for any periods in the aggregate
12 exceeding 180 days.

13 (B) EXTENSIONS FOR EXTENUATING CIR-
14 CUMSTANCES.—The Secretary may extend the
15 time periods described in subparagraph (A) for
16 an alien if the alien demonstrates that the fail-
17 ure to timely return to the United States was
18 due to extenuating circumstances beyond the
19 alien's control.

20 (d) APPLICATION.—

21 (1) IN GENERAL.—An alien seeking lawful per-
22 manent resident status on a conditional basis shall
23 file an application for such status in such manner as
24 the Secretary may require.

1 (2) DEADLINE FOR SUBMISSION OF APPLICA-
2 TION.—An alien shall submit an application for re-
3 lief under this section not later than the date that
4 is 1 year after the later of—

5 (A) the date the alien earned a high school
6 diploma or obtained a general education devel-
7 opment certificate in the United States; or

8 (B) the effective date of the final regula-
9 tions issued pursuant to section 6.

10 (e) LIMITATION ON REMOVAL OF CERTAIN
11 ALIENS.—

12 (1) IN GENERAL.—The Secretary or the Attor-
13 ney General may not remove an alien who—

14 (A) has a pending application for relief
15 under this section; and

16 (B) establishes prima facie eligibility for
17 relief under this section.

18 (2) CERTAIN ALIENS ENROLLED IN PRIMARY
19 OR SECONDARY SCHOOL.—

20 (A) STAY OF REMOVAL.—The Attorney
21 General shall stay the removal proceedings of
22 an alien who—

23 (i) meets all the requirements of sub-
24 paragraphs (A), (B), (C), (D), and (F) of
25 subsection (b)(1);

1 (ii) is at least 5 years of age; and

2 (iii) is enrolled full-time in a primary
3 or secondary school.

4 (B) ALIENS NOT IN REMOVAL PRO-
5 CEEDINGS.—If an alien is not in removal pro-
6 ceedings, the Secretary shall not commence
7 such proceedings with respect to the alien if the
8 alien is described in clauses (i) through (iii) of
9 subparagraph (A).

10 (C) EMPLOYMENT.—An alien whose re-
11 moval is stayed pursuant to subparagraph (A)
12 or who may not be placed in removal pro-
13 ceedings pursuant to subparagraph (B) shall,
14 upon application to the Secretary, be granted
15 an employment authorization document.

16 (D) LIFT OF STAY.—The Secretary or At-
17 torney General may lift the stay granted to an
18 alien under subparagraph (A) if the alien—

19 (i) is no longer enrolled in a primary
20 or secondary school; or

21 (ii) ceases to meet the requirements of
22 such paragraph.

23 (f) EXEMPTION FROM NUMERICAL LIMITATIONS.—
24 Nothing in this section or in any other law may be con-
25 strued to apply a numerical limitation on the number of

1 aliens who may be eligible for adjustment of status under
2 this Act.

3 **SEC. 4. TERMS OF CONDITIONAL PERMANENT RESIDENT**
4 **STATUS.**

5 (a) PERIOD OF STATUS.—Permanent resident status
6 on a conditional basis granted under this Act is—

7 (1) valid for a period of 6 years, unless such pe-
8 riod is extended by the Secretary; and

9 (2) subject to termination under subsection (c).

10 (b) NOTICE OF REQUIREMENTS.—

11 (1) AT TIME OF OBTAINING STATUS.—At the
12 time an alien obtains permanent resident status on
13 a conditional basis under this Act, the Secretary
14 shall provide for notice to the alien regarding the
15 provisions of this Act and the requirements to have
16 the conditional basis of such status removed.

17 (2) EFFECT OF FAILURE TO PROVIDE NO-
18 TICE.—The failure of the Secretary to provide a no-
19 tice under this subsection—

20 (A) shall not affect the enforcement of the
21 provisions of this Act with respect to the alien;
22 and

23 (B) shall not give rise to any private right
24 of action by the alien.

25 (c) TERMINATION OF STATUS.—

1 (1) IN GENERAL.—The Secretary shall termi-
2 nate the conditional permanent resident status of an
3 alien, if the Secretary determines that the alien—

4 (A) ceases to meet the requirements of
5 subparagraph (C) or (D) of section 3(b)(1); or

6 (B) was discharged from the Uniformed
7 Services and did not receive an honorable dis-
8 charge.

9 (d) RETURN TO PREVIOUS IMMIGRATION STATUS.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), an alien whose permanent resident status
12 on a conditional basis expires under subsection
13 (a)(1) or is terminated under subsection (c) or
14 whose application for such status is denied shall re-
15 turn to the immigration status the alien had imme-
16 diately prior to receiving permanent resident status
17 on a conditional basis or applying for such status,
18 as appropriate.

19 (2) SPECIAL RULE FOR TEMPORARY PRO-
20 TECTED STATUS.—In the case of an alien whose per-
21 manent resident status on a conditional basis expires
22 under subsection (a)(1) or is terminated under sub-
23 section (c) or whose application for such status is
24 denied and who had temporary protected status im-
25 mediately prior to receiving or applying for such sta-

1 tus, as appropriate, the alien may not return to tem-
2 porary protected status if—

3 (A) the relevant designation under section
4 244(b) of the Immigration and Nationality Act
5 (8 U.S.C. 1254a(b)) has been terminated; or

6 (B) the Secretary determines that the rea-
7 son for terminating the permanent resident sta-
8 tus on a conditional basis renders the alien in-
9 eligible for temporary protected status.

10 (e) INFORMATION SYSTEMS.—The Secretary shall
11 use the information systems of the Department of Home-
12 land Security to maintain current information on the iden-
13 tity, address, and immigration status of aliens granted
14 permanent resident status on a conditional basis under
15 this Act.

16 **SEC. 5. REMOVAL OF CONDITIONAL BASIS OF PERMANENT**
17 **RESIDENT STATUS.**

18 (a) ELIGIBILITY FOR REMOVAL OF CONDITIONAL
19 BASIS.—

20 (1) IN GENERAL.—Subject to paragraph (2),
21 the Secretary may remove the conditional basis of an
22 alien’s permanent resident status granted under this
23 Act if the alien demonstrates by a preponderance of
24 the evidence that—

14

1 (A) the alien has been a person of good
2 moral character during the entire period of con-
3 ditional permanent resident status;

4 (B) the alien is described in section
5 3(b)(1)(D);

6 (C) the alien has not abandoned the alien's
7 residence in the United States;

8 (D) the alien—

9 (i) has acquired a degree from an in-
10 stitution of higher education in the United
11 States or has completed at least 2 years, in
12 good standing, in a program for a bach-
13 elor's degree or higher degree in the
14 United States; or

15 (ii) has served in the Uniformed Serv-
16 ices for at least 2 years and, if discharged,
17 received an honorable discharge; and

18 (E) the alien has provided a list of each
19 secondary school (as that term is defined in sec-
20 tion 9101 of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C. 7801)) that
22 the alien attended in the United States.

23 (2) HARDSHIP EXCEPTION.—

24 (A) IN GENERAL.—The Secretary may, in
25 the Secretary's discretion, remove the condi-

1 tional basis of an alien's permanent resident
2 status if the alien—

3 (i) satisfies the requirements of sub-
4 paragraphs (A), (B), (C), and (E) of para-
5 graph (1);

6 (ii) demonstrates compelling cir-
7 cumstances for the inability to satisfy the
8 requirements of subparagraph (D) of such
9 paragraph; and

10 (iii) demonstrates that the alien's re-
11 moval from the United States would result
12 in extreme hardship to the alien or the
13 alien's spouse, parent, or child who is a cit-
14 izen or a lawful permanent resident of the
15 United States.

16 (B) EXTENSION.—Upon a showing of good
17 cause, the Secretary may extend the period of
18 permanent resident status on a conditional
19 basis for an alien so that the alien may com-
20 plete the requirements of subparagraph (D) of
21 paragraph (1).

22 (3) TREATMENT OF ABANDONMENT OR RESI-
23 DENCE.—For purposes of paragraph (1)(C), an
24 alien—

1 (A) shall be presumed to have abandoned
2 the alien's residence in the United States if the
3 alien is absent from the United States for more
4 than 365 days, in the aggregate, during the
5 alien's period of conditional permanent resident
6 status, unless the alien demonstrates to the sat-
7 isfaction of the Secretary that the alien has not
8 abandoned such residence; and

9 (B) who is absent from the United States
10 due to active service in the Uniformed Services
11 has not abandoned the alien's residence in the
12 United States during the period of such service.

13 (4) CITIZENSHIP REQUIREMENT.—

14 (A) IN GENERAL.—Except as provided in
15 subparagraph (B), the conditional basis of an
16 alien's permanent resident status may not be
17 removed unless the alien demonstrates that the
18 alien satisfies the requirements of section
19 312(a) of the Immigration and Nationality Act
20 (8 U.S.C. 1423(a)).

21 (B) EXCEPTION.—Subparagraph (A) shall
22 not apply to an alien who is unable because of
23 a physical or developmental disability or mental
24 impairment to meet the requirements of such
25 subparagraph.

1 (5) SUBMISSION OF BIOMETRIC AND BIO-
2 GRAPHIC DATA.—The Secretary may not remove the
3 conditional basis of an alien’s permanent resident
4 status unless the alien submits biometric and bio-
5 graphic data, in accordance with procedures estab-
6 lished by the Secretary. The Secretary shall provide
7 an alternative procedure for applicants who are un-
8 able to provide such biometric data because of a
9 physical impairment.

10 (6) BACKGROUND CHECKS.—

11 (A) REQUIREMENT FOR BACKGROUND
12 CHECKS.—The Secretary shall utilize biometric,
13 biographic, and other data that the Secretary
14 determines appropriate—

15 (i) to conduct security and law en-
16 forcement background checks of an alien
17 applying for removal of the conditional
18 basis of the alien’s permanent resident sta-
19 tus; and

20 (ii) to determine whether there is any
21 criminal, national security, or other factor
22 that would render the alien ineligible for
23 removal of such conditional basis.

24 (B) COMPLETION OF BACKGROUND
25 CHECKS.—The security and law enforcement

1 background checks required by subparagraph
2 (A) for an alien shall be completed, to the satis-
3 faction of the Secretary, prior to the date the
4 Secretary removes the conditional basis of the
5 alien's permanent resident status.

6 (b) APPLICATION TO REMOVE CONDITIONAL
7 BASIS.—

8 (1) IN GENERAL.—An alien seeking to have the
9 conditional basis of the alien's lawful permanent
10 resident status removed shall file an application for
11 such removal in such manner as the Secretary may
12 require.

13 (2) DEADLINE FOR SUBMISSION OF APPLICA-
14 TION.—

15 (A) IN GENERAL.—An alien shall file an
16 application under this subsection during the pe-
17 riod beginning 6 months prior to and ending on
18 the date that is later of—

19 (i) 6 years after the date the alien
20 was initially granted conditional permanent
21 resident status; or

22 (ii) any other expiration date of the
23 alien's conditional permanent resident sta-
24 tus, as extended by the Secretary in ac-
25 cordance with this Act.

1 (B) STATUS DURING PENDENCY.—An
2 alien shall be deemed to have permanent resi-
3 dent status on a conditional basis during the
4 period that the alien's application submitted
5 under this subsection is pending.

6 (3) ADJUDICATION OF APPLICATION.—

7 (A) IN GENERAL.—The Secretary shall
8 make a determination on each application filed
9 by an alien under this subsection as to whether
10 the alien meets the requirements for removal of
11 the conditional basis of the alien's permanent
12 resident status.

13 (B) ADJUSTMENT OF STATUS IF FAVOR-
14 ABLE DETERMINATION.—If the Secretary deter-
15 mines that the alien meets such requirements,
16 the Secretary shall notify the alien of such de-
17 termination and remove the conditional basis of
18 the alien's permanent resident status, effective
19 as of the date of such determination.

20 (C) TERMINATION IF ADVERSE DETER-
21 MINATION.—If the Secretary determines that
22 the alien does not meet such requirements, the
23 Secretary shall notify the alien of such deter-
24 mination and, if the period of the alien's condi-
25 tional permanent resident status under section

1 4(a)(1) has ended, terminate the conditional
2 permanent resident status granted the alien
3 under this Act as of the date of such deter-
4 mination.

5 (c) TREATMENT FOR PURPOSES OF NATURALIZA-
6 TION.—

7 (1) IN GENERAL.—For purposes of title III of
8 the Immigration and Nationality Act (8 U.S.C. 1401
9 et seq.), an alien granted permanent resident status
10 on a conditional basis under this Act shall be consid-
11 ered to have been admitted as an alien lawfully ad-
12 mitted for permanent residence and to be in the
13 United States as an alien lawfully admitted to the
14 United States for permanent residence.

15 (2) LIMITATION ON APPLICATION FOR NATU-
16 RALIZATION.—An alien may not apply for natu-
17 ralization during the period that the alien is in per-
18 manent resident status on a conditional basis under
19 this Act.

20 **SEC. 6. REGULATIONS.**

21 (a) INITIAL PUBLICATION.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 shall publish regulations implementing this Act. Such reg-
24 ulations shall allow eligible individuals to apply affirma-

1 tively for the relief available under section 3 without being
2 placed in removal proceedings.

3 (b) INTERIM REGULATIONS.—Notwithstanding sec-
4 tion 553 of title 5, United States Code, the regulations
5 required by subsection (a) shall be effective, on an interim
6 basis, immediately upon publication but may be subject
7 to change and revision after public notice and opportunity
8 for a period of public comment.

9 (c) FINAL REGULATIONS.—Within a reasonable time
10 after publication of the interim regulations in accordance
11 with subsection (b), the Secretary shall publish final regu-
12 lations implementing this Act.

13 (d) PAPERWORK REDUCTION ACT.—The require-
14 ments of chapter 35 of title 44, United States Code (com-
15 monly known as the “Paperwork Reduction Act”) shall
16 not apply to any action to implement this Act.

17 **SEC. 7. PENALTIES FOR FALSE STATEMENTS.**

18 Whoever files an application for any relief or benefit
19 under this Act and willfully and knowingly falsifies, mis-
20 represents, or conceals a material fact or makes any false
21 or fraudulent statement or representation, or makes or
22 uses any false writing or document knowing the same to
23 contain any false or fraudulent statement or entry, shall
24 be fined in accordance with title 18, United States Code,
25 imprisoned not more than 5 years, or both.

1 **SEC. 8. CONFIDENTIALITY OF INFORMATION.**

2 (a) PROHIBITION.—Except as provided in subsection

3 (b), no officer or employee of the United States may—

4 (1) use the information furnished by an indi-
5 vidual pursuant to an application filed under this
6 Act in removal proceedings against any person iden-
7 tified in the application;

8 (2) make any publication whereby the informa-
9 tion furnished by any particular individual pursuant
10 to an application under this Act can be identified; or

11 (3) permit anyone other than an officer, em-
12 ployee or authorized contractor of the United States
13 Government or, in the case of an application filed
14 under this Act with a designated entity, that des-
15 ignated entity, to examine such application filed
16 under such sections.

17 (b) REQUIRED DISCLOSURE.—The Attorney General
18 or the Secretary shall provide the information furnished
19 under this Act, and any other information derived from
20 such furnished information, to—

21 (1) a Federal, State, tribal, or local law enforce-
22 ment agency, intelligence agency, national security
23 agency, component of the Department of Homeland
24 Security, court, or grand jury in connection with a
25 criminal investigation or prosecution, a background
26 check conducted pursuant to section 103 of the

1 Brady Handgun Violence Protection Act (Public
2 Law 103–159; 18 U.S.C. 922 note), or national se-
3 curity purposes, if such information is requested by
4 such entity or consistent with an information shar-
5 ing agreement or mechanism; or

6 (2) an official coroner for purposes of affirma-
7 tively identifying a deceased individual (whether or
8 not such individual is deceased as a result of a
9 crime).

10 (c) FRAUD IN APPLICATION PROCESS OR CRIMINAL
11 CONDUCT.—Notwithstanding any other provision of this
12 section, information concerning whether an alien seeking
13 relief under this Act has engaged in fraud in an applica-
14 tion for such relief or at any time committed a crime may
15 be used or released for immigration enforcement, law en-
16 forcement, or national security purposes.

17 (d) PENALTY.—Whoever knowingly uses, publishes,
18 or permits information to be examined in violation of this
19 section shall be fined not more than \$10,000.

20 **SEC. 9. HIGHER EDUCATION ASSISTANCE.**

21 (a) IN GENERAL.—Notwithstanding any provision of
22 the Higher Education Act of 1965 (20 U.S.C. 1001 et
23 seq.), with respect to assistance provided under title IV
24 of the Higher Education Act of 1965 (20 U.S.C. 1070
25 et seq.), an alien who has permanent resident status on

1 a conditional basis under this Act shall be eligible only
2 for the following assistance under such title:

3 (1) Student loans under parts D and E of such
4 title IV (20 U.S.C. 1087a et seq. and 1087aa et
5 seq.), subject to the requirements of such parts.

6 (2) Federal work-study programs under part C
7 of such title IV (42 U.S.C. 2751 et seq.), subject to
8 the requirements of such part.

9 (3) Services under such title IV (20 U.S.C.
10 1070 et seq.), subject to the requirements for such
11 services.

12 (b) RESTORATION OF STATE OPTION TO DETERMINE
13 RESIDENCY FOR PURPOSES OF HIGHER EDUCATION
14 BENEFITS.—

15 (1) IN GENERAL.—Section 505 of the Illegal
16 Immigration Reform and Immigrant Responsibility
17 Act of 1996 (8 U.S.C. 1623) is repealed.

18 (2) EFFECTIVE DATE.—The repeal under para-
19 graph (1) shall take effect as if included in the en-
20 actment of the Illegal Immigration Reform and Im-
21 migrant Responsibility Act of 1996 (division C of
22 Public Law 104–208; 110 Stat. 3009–546).