

111TH CONGRESS
2^D 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 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Development, Relief,
5 and Education for Alien Minors Act of 2010” or the
6 “DREAM Act of 2010”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Cancellation of removal of certain long-term residents who entered the United States as children.
- Sec. 5. Conditional nonimmigrant status.
- Sec. 6. Adjustment of status.
- Sec. 7. Retroactive benefits.
- Sec. 8. Exclusive jurisdiction.
- Sec. 9. Penalties for false statements.
- Sec. 10. Confidentiality of information.
- Sec. 11. Higher education assistance.
- Sec. 12. Treatment of aliens with adjusted status for certain purposes.
- Sec. 13. Military enlistment.
- Sec. 14. GAO report.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) IN GENERAL.—Except as otherwise specifi-
4 cally provided, a term used in this Act that is used
5 in the immigration laws shall have the meaning
6 given such term in the immigration laws.

7 (2) ARMED FORCES.—The term “Armed
8 Forces” has the meaning given the term “armed
9 forces” in section 101(a) of title 10, United States
10 Code.

11 (3) CONDITIONAL NONIMMIGRANT.—

12 (A) DEFINITION.—The term “conditional
13 nonimmigrant” means an alien who is granted
14 conditional nonimmigrant status under this Act.

15 (B) DESCRIPTION.—A conditional non-
16 immigrant—

1 (i) shall be considered to be an alien
2 within a nonimmigrant class for purposes
3 of the immigration laws;

4 (ii) may have the intention perma-
5 nently to reside in the United States; and

6 (iii) is not required to have a foreign
7 residence which the alien has no intention
8 of abandoning.

9 (4) IMMIGRATION LAWS.—The term “immigra-
10 tion laws” has the meaning given such term in sec-
11 tion 101(a)(17) of the Immigration and Nationality
12 Act (8 U.S.C. 1101(a)(17)).

13 (5) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education” has the
15 meaning given such term in section 102 of the High-
16 er Education Act of 1965 (20 U.S.C. 1002), except
17 that the term does not include an institution of high-
18 er education outside the United States.

19 **SEC. 4. CANCELLATION OF REMOVAL OF CERTAIN LONG-**
20 **TERM RESIDENTS WHO ENTERED THE**
21 **UNITED STATES AS CHILDREN.**

22 (a) SPECIAL RULE FOR CERTAIN LONG-TERM RESI-
23 DENTS WHO ENTERED THE UNITED STATES AS CHIL-
24 DREN.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law and except as otherwise provided in
3 this Act, the Secretary of Homeland Security may
4 cancel removal of an alien who is inadmissible or de-
5 portable from the United States, and grant the alien
6 conditional nonimmigrant status, if the alien dem-
7 onstrates by a preponderance of the evidence that—

8 (A) the alien has been physically present in
9 the United States for a continuous period of
10 not less than 5 years immediately preceding the
11 date of the enactment of this Act and was
12 younger than 16 years of age on the date the
13 alien initially entered the United States;

14 (B) the alien has been a person of good
15 moral character since the date the alien initially
16 entered the United States;

17 (C) the alien—

18 (i) is not inadmissible under para-
19 graph (1), (2), (3), (4), (6)(E), (6)(G), (8),
20 (10)(A), (10)(C), or (10)(D) of section
21 212(a) of the Immigration and Nationality
22 Act (8 U.S.C. 1182(a));

23 (ii) is not deportable under paragraph
24 (1)(E), (1)(G), (2), (4), (5), or (6) of sec-

1 tion 237(a) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1227(a));

3 (iii) has not ordered, incited, assisted,
4 or otherwise participated in the persecution
5 of any person on account of race, religion,
6 nationality, membership in a particular so-
7 cial group, or political opinion; and

8 (iv) has not been convicted of—

9 (I) any offense under Federal or
10 State law punishable by a maximum
11 term of imprisonment of more than 1
12 year; or

13 (II) 3 or more offenses under
14 Federal or State law, for which the
15 alien was convicted on different dates
16 for each of the 3 offenses and sen-
17 tenced to imprisonment for an aggre-
18 gate of 90 days or more;

19 (D) the alien—

20 (i) has been admitted to an institution
21 of higher education in the United States;
22 or

23 (ii) has earned a high school diploma
24 or obtained a general education develop-
25 ment certificate in the United States;

1 (E) the alien has never been under a final
2 administrative or judicial order of exclusion, de-
3 portation, or removal, unless the alien—

4 (i) has remained in the United States
5 under color of law after such order was
6 issued; or

7 (ii) received the order before attaining
8 the age of 16 years; and

9 (F) the alien was younger than 30 years of
10 age on the date of the enactment of this Act.

11 (2) WAIVER.—Notwithstanding paragraph (1),
12 the Secretary of Homeland Security may waive the
13 ground of ineligibility under paragraph (1), (4), or
14 (6) of section 212(a) of the Immigration and Na-
15 tionality Act and the ground of deportability under
16 paragraph (1) of section 237(a) of that Act for hu-
17 manitarian purposes or family unity or when it is
18 otherwise in the public interest.

19 (3) PROCEDURES.—The Secretary of Homeland
20 Security shall provide a procedure by regulation al-
21 lowing eligible individuals to apply affirmatively for
22 the relief available under this subsection without
23 being placed in removal proceedings.

24 (4) DEADLINE FOR SUBMISSION OF APPLICA-
25 TION.—An alien shall submit an application for can-

1 cellation of removal and conditional nonimmigrant
2 status under this subsection no later than the date
3 that is 1 year after the later of—

4 (A) the date the alien was admitted to an
5 institution of higher education in the United
6 States;

7 (B) the date the alien earned a high school
8 diploma or obtained a general education devel-
9 opment certificate in the United States; or

10 (C) the date of the enactment of this Act.

11 (5) SUBMISSION OF BIOMETRIC AND BIO-
12 GRAPHIC DATA.—The Secretary of Homeland Secu-
13 rity may not cancel the removal of an alien or grant
14 conditional nonimmigrant status to the alien under
15 this subsection unless the alien submits biometric
16 and biographic data, in accordance with procedures
17 established by the Secretary. The Secretary shall
18 provide an alternative procedure for applicants who
19 are unable to provide such biometric or biographic
20 data because of a physical impairment.

21 (6) BACKGROUND CHECKS.—

22 (A) REQUIREMENT FOR BACKGROUND
23 CHECKS.—The Secretary of Homeland Security
24 shall utilize biometric, biographic, and other

1 data that the Secretary determines is appro-
2 priate—

3 (i) to conduct security and law en-
4 forcement background checks of an alien
5 seeking relief available under this sub-
6 section; and

7 (ii) to determine whether there is any
8 criminal, national security, or other factor
9 that would render the alien ineligible for
10 such relief.

11 (B) COMPLETION OF BACKGROUND
12 CHECKS.—The security and law enforcement
13 background checks required by subparagraph
14 (A)(i) shall be completed, to the satisfaction of
15 the Secretary, prior to the date the Secretary
16 cancels the removal of the alien under this sub-
17 section.

18 (7) MEDICAL EXAMINATION.—An alien applying
19 for relief available under this subsection shall under-
20 go a medical observation and examination. The Sec-
21 retary of Homeland Security, with the concurrence
22 of the Secretary of Health and Human Services,
23 shall prescribe policies and procedures for the na-
24 ture, frequency, and timing of such observation and
25 examination.

1 (8) MILITARY SELECTIVE SERVICE.—An alien
2 applying for relief available under this subsection
3 shall establish that the alien has registered under
4 the Military Selective Service Act (50 U.S.C. App.
5 451 et seq.), if the alien is subject to such registra-
6 tion under that Act.

7 (b) TERMINATION OF CONTINUOUS PERIOD.—For
8 purposes of this section, any period of continuous resi-
9 dence or continuous physical presence in the United States
10 of an alien who applies for cancellation of removal under
11 subsection (a) shall not terminate when the alien is served
12 a notice to appear under section 239(a) of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1229(a)).

14 (c) TREATMENT OF CERTAIN BREAKS IN PRES-
15 ENCE.—

16 (1) IN GENERAL.—An alien shall be considered
17 to have failed to maintain continuous physical pres-
18 ence in the United States under subsection (a) if the
19 alien has departed from the United States for any
20 period in excess of 90 days or for any periods in the
21 aggregate exceeding 180 days.

22 (2) EXTENSIONS FOR EXCEPTIONAL CIR-
23 CUMSTANCES.—The Secretary of Homeland Security
24 may extend the time periods described in paragraph
25 (1) if the alien demonstrates that the failure to time-

1 ly return to the United States was due to excep-
2 tional circumstances. The exceptional circumstances
3 determined sufficient to justify an extension should
4 be no less compelling than serious illness of the
5 alien, or death or serious illness of a parent, grand-
6 parent, sibling, or child.

7 (d) EXEMPTION FROM NUMERICAL LIMITATIONS.—
8 Nothing in this section may be construed to apply a nu-
9 merical limitation to the number of aliens who may be eli-
10 gible for cancellation of removal under subsection (a).

11 (e) REGULATIONS.—

12 (1) INITIAL PUBLICATION.—Not later than 180
13 days after the date of the enactment of this Act, the
14 Secretary of Homeland Security shall publish regula-
15 tions implementing this section.

16 (2) INTERIM REGULATIONS.—Notwithstanding
17 section 553 of title 5, United States Code, the regu-
18 lations required by paragraph (1) shall be effective,
19 on an interim basis, immediately upon publication
20 but may be subject to change and revision after pub-
21 lic notice and opportunity for a period of public com-
22 ment.

23 (3) FINAL REGULATIONS.—Within a reasonable
24 time after publication of the interim regulations in
25 accordance with paragraph (1), the Secretary of

1 Homeland Security shall publish final regulations
2 implementing this section.

3 (f) REMOVAL OF ALIEN.—The Secretary of Home-
4 land Security may not remove any alien who—

5 (1) has a pending application for conditional
6 nonimmigrant status under this Act; and

7 (2) establishes prima facie eligibility for can-
8 cellation of removal and conditional nonimmigrant
9 status under subsection (a).

10 **SEC. 5. CONDITIONAL NONIMMIGRANT STATUS.**

11 (a) LENGTH OF STATUS.—Conditional nonimmigrant
12 status granted under section 4 shall be valid for a period
13 of 10 years, subject to termination under subsection (c)
14 of this section.

15 (b) TERMS OF CONDITIONAL NONIMMIGRANT STA-
16 TUS.—

17 (1) EMPLOYMENT.—A conditional non-
18 immigrant shall be authorized to be employed in the
19 United States incident to conditional nonimmigrant
20 status.

21 (2) TRAVEL.—A conditional nonimmigrant may
22 travel outside the United States and may be admit-
23 ted (if otherwise admissible) upon return to the
24 United States without having to obtain a visa if—

1 (A) the alien is the bearer of valid, unex-
2 pired documentary evidence of conditional non-
3 immigrant status; and

4 (B) the alien's absence from the United
5 States was not for a period exceeding 180 days.

6 (c) TERMINATION OF STATUS.—

7 (1) IN GENERAL.—The Secretary of Homeland
8 Security shall terminate the conditional non-
9 immigrant status of any alien if the Secretary deter-
10 mines that the alien—

11 (A) ceases to meet the requirements of
12 subparagraph (B) or (C) of section 4(a)(1);

13 (B) has become a public charge; or

14 (C) has received a dishonorable or other
15 than honorable discharge from the Armed
16 Forces.

17 (2) RETURN TO PREVIOUS IMMIGRATION STA-
18 TUS.—Any alien whose conditional nonimmigrant
19 status is terminated under paragraph (1) shall re-
20 turn to the immigration status the alien had imme-
21 diately prior to receiving conditional nonimmigrant
22 status.

23 **SEC. 6. ADJUSTMENT OF STATUS.**

24 (a) IN GENERAL.—A conditional nonimmigrant may
25 file with the Secretary of Homeland Security, in accord-

1 ance with subsection (c), an application to have the alien's
2 status adjusted to that of an alien lawfully admitted for
3 permanent residence. The application shall provide, under
4 penalty of perjury, the facts and information so that the
5 Secretary may make the determination described in para-
6 graph (b)(1).

7 (b) ADJUDICATION OF APPLICATION FOR ADJUST-
8 MENT OF STATUS.—

9 (1) IN GENERAL.—If an application is filed in
10 accordance with subsection (a) for an alien, the Sec-
11 retary of Homeland Security shall make a deter-
12 mination as to whether the alien meets the require-
13 ments set out in subparagraphs (A) through (E) of
14 subsection (d)(1).

15 (2) ADJUSTMENT OF STATUS IF FAVORABLE
16 DETERMINATION.—If the Secretary determines that
17 the alien meets such requirements, the Secretary
18 shall notify the alien of such determination and ad-
19 just the alien's status to that of an alien lawfully ad-
20 mitted for permanent residence, effective as of the
21 date of approval of the application.

22 (3) TERMINATION IF ADVERSE DETERMINA-
23 TION.—If the Secretary determines that the alien
24 does not meet such requirements, the Secretary shall
25 notify the alien of such determination and terminate

1 the conditional nonimmigrant status of the alien as
2 of the date of the determination.

3 (c) TIME TO FILE APPLICATION.—An alien shall file
4 an application for adjustment of status during the period
5 beginning 1 year before and ending on either the date that
6 is 10 years after the date of the granting of conditional
7 nonimmigrant status or any other expiration date of the
8 conditional nonimmigrant status as extended by the Sec-
9 retary of Homeland Security in accordance with this Act.
10 The alien shall be deemed to be in conditional non-
11 immigrant status in the United States during the period
12 in which such application is pending.

13 (d) DETAILS OF APPLICATION.—

14 (1) CONTENTS OF APPLICATION.—Each appli-
15 cation for an alien under subsection (a) shall contain
16 information to permit the Secretary of Homeland
17 Security to determine whether each of the following
18 requirements is met:

19 (A) The alien has demonstrated good
20 moral character during the entire period the
21 alien has been a conditional nonimmigrant.

22 (B) The alien is in compliance with section
23 4(a)(1)(C).

24 (C) The alien has not abandoned the
25 alien's residence in the United States. The Sec-

1 retary shall presume that the alien has aban-
2 doned such residence if the alien is absent from
3 the United States for more than 365 days, in
4 the aggregate, during the period of conditional
5 nonimmigrant status, unless the alien dem-
6 onstrates that the alien has not abandoned the
7 alien's residence. An alien who is absent from
8 the United States due to active service in the
9 Armed Forces has not abandoned the alien's
10 residence in the United States during the pe-
11 riod of such service.

12 (D) The alien has completed at least 1 of
13 the following:

14 (i) The alien has acquired a degree
15 from an institution of higher education in
16 the United States or has completed at
17 least 2 years, in good standing, in a pro-
18 gram for a bachelor's degree or higher de-
19 gree in the United States.

20 (ii) The alien has served in the Armed
21 Forces for at least 2 years and, if dis-
22 charged, has received an honorable dis-
23 charge.

24 (E) The alien has provided a list of each
25 secondary school (as that term is defined in sec-

1 tion 9101 of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 7801)) that
3 the alien attended in the United States.

4 (2) HARDSHIP EXCEPTION.—

5 (A) IN GENERAL.—The Secretary of
6 Homeland Security may, in the Secretary’s dis-
7 cretion, adjust the status of an alien if the
8 alien—

9 (i) satisfies the requirements of sub-
10 paragraphs (A), (B), and (C) of paragraph
11 (1);

12 (ii) demonstrates compelling cir-
13 cumstances for the inability to complete
14 the requirements described in paragraph
15 (1)(D); and

16 (iii) demonstrates that the alien’s re-
17 moval from the United States would result
18 in exceptional and extremely unusual hard-
19 ship to the alien or the alien’s spouse, par-
20 ent, or child who is a citizen or a lawful
21 permanent resident of the United States.

22 (B) EXTENSION.—Upon a showing of good
23 cause, the Secretary of Homeland Security may
24 extend the period of conditional nonimmigrant

1 status for the purpose of completing the re-
2 quirements described in paragraph (1)(D).

3 (e) CITIZENSHIP REQUIREMENT.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), the status of a conditional nonimmigrant
6 shall not be adjusted to permanent resident status
7 unless the alien demonstrates that the alien satisfies
8 the requirements of section 312(a) of the Immigra-
9 tion and Nationality Act (8 U.S.C. 312(a)).

10 (2) EXCEPTION.—Paragraph (1) shall not
11 apply to an alien who is unable because of a physical
12 or developmental disability or mental impairment to
13 meet the requirements of such paragraph.

14 (f) PAYMENT OF FEDERAL TAXES.—

15 (1) IN GENERAL.—Not later than the date on
16 which an application is filed under subsection (a) for
17 adjustment of status, the alien shall satisfy any ap-
18 plicable Federal tax liability due and owing on such
19 date.

20 (2) APPLICABLE FEDERAL TAX LIABILITY.—

21 For purposes of paragraph (1), the term “applicable
22 Federal tax liability” means liability for Federal
23 taxes imposed under the Internal Revenue Code of
24 1986, including any penalties and interest thereon.

1 (g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC
2 DATA.—The Secretary of Homeland Security may not ad-
3 just the status of an alien under this section unless the
4 alien submits biometric and biographic data, in accordance
5 with procedures established by the Secretary. The Sec-
6 retary shall provide an alternative procedure for applicants
7 who are unable to provide such biometric or biographic
8 data because of a physical impairment.

9 (h) BACKGROUND CHECKS.—

10 (1) REQUIREMENT FOR BACKGROUND
11 CHECKS.—The Secretary of Homeland Security shall
12 utilize biometric, biographic, and other data that the
13 Secretary determines appropriate—

14 (A) to conduct security and law enforce-
15 ment background checks of an alien applying
16 for adjustment of status under this section; and

17 (B) to determine whether there is any
18 criminal, national security, or other factor that
19 would render the alien ineligible for such ad-
20 justment of status.

21 (2) COMPLETION OF BACKGROUND CHECKS.—

22 The security and law enforcement background
23 checks required by paragraph (1)(A) shall be com-
24 pleted, to the satisfaction of the Secretary, prior to
25 the date the Secretary grants adjustment of status.

1 (i) EXEMPTION FROM NUMERICAL LIMITATIONS.—

2 Nothing in this section or in any other law may be con-
3 strued to apply a numerical limitation on the number of
4 aliens who may be eligible for adjustment of status under
5 this section.

6 (j) CONDITIONAL NONIMMIGRANTS OTHERWISE ELI-

7 GIBLE FOR ADJUSTMENT.—Nothing in this section may
8 be construed to limit the eligibility of a conditional non-
9 immigrant for adjustment of status, issuance of an immi-
10 grant visa, or admission as a lawful permanent resident
11 alien at any time, if the conditional nonimmigrant is other-
12 wise eligible for such benefit under the immigration laws.

13 (k) ELIGIBILITY FOR NATURALIZATION.—An alien

14 whose status is adjusted under this section to that of an
15 alien lawfully admitted for permanent residence may be
16 naturalized upon compliance with all the requirements of
17 the immigration laws except the provisions of paragraph
18 (1) of section 316(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1427(a)), if such person immediately pre-
20 ceding the date of filing the application for naturalization
21 has resided continuously, after being lawfully admitted for
22 permanent residence, within the United States for at least
23 3 years, and has been physically present in the United
24 States for periods totaling at least half of that time and
25 has resided within the State or the district of U.S. Citizen-

1 ship and Immigration Services in the United States in
2 which the applicant filed the application for at least 3
3 months. An alien described in this subsection may file the
4 application for naturalization as provided in the second
5 sentence of subsection (a) of section 344 of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1445).

7 **SEC. 7. RETROACTIVE BENEFITS.**

8 If, on the date of the enactment of this Act, an alien
9 has satisfied all the requirements of section 4(a)(1) and
10 section 6(d)(1)(D), the Secretary of Homeland Security
11 may cancel removal and grant conditional nonimmigrant
12 status in accordance with section 4. The alien may apply
13 for adjustment of status in accordance with section 6(a)
14 if the alien has met the requirements of subparagraphs
15 (A), (B), and (C) of section 6(d)(1) during the entire pe-
16 riod of conditional nonimmigrant status.

17 **SEC. 8. EXCLUSIVE JURISDICTION.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity shall have exclusive jurisdiction to determine eligibility
20 for relief under this Act, except where the alien has been
21 placed into deportation, exclusion, or removal proceedings
22 either prior to or after filing an application for cancella-
23 tion of removal and conditional nonimmigrant status or
24 adjustment of status under this Act, in which case the At-
25 torney General shall have exclusive jurisdiction and shall

1 assume all the powers and duties of the Secretary until
2 proceedings are terminated, or if a final order of deporta-
3 tion, exclusion, or removal is entered the Secretary shall
4 resume all powers and duties delegated to the Secretary
5 under this Act.

6 (b) STAY OF REMOVAL OF CERTAIN ALIENS EN-
7 ROLLED IN PRIMARY OR SECONDARY SCHOOL.—The At-
8 torney General shall stay the removal proceedings of any
9 alien who—

10 (1) meets all the requirements of subpara-
11 graphs (A), (B), (C), and (E) of section 4(a)(1);

12 (2) is at least 12 years of age; and

13 (3) is enrolled full time in a primary or sec-
14 ondary school.

15 (c) EMPLOYMENT.—An alien whose removal is stayed
16 pursuant to subsection (b) may be engaged in employment
17 in the United States consistent with the Fair Labor
18 Standards Act (29 U.S.C. 201 et seq.) and State and local
19 laws governing minimum age for employment.

20 (d) LIFT OF STAY.—The Attorney General shall lift
21 the stay granted pursuant to subsection (b) if the alien—

22 (1) is no longer enrolled in a primary or sec-
23 ondary school; or

24 (2) ceases to meet the requirements of sub-
25 section (b)(1).

1 **SEC. 9. PENALTIES FOR FALSE STATEMENTS.**

2 Whoever files an application for any benefit under
3 this Act and willfully and knowingly falsifies, misrepre-
4 sents, or conceals a material fact or makes any false or
5 fraudulent statement or representation, or makes or uses
6 any false writing or document knowing the same to con-
7 tain any false or fraudulent statement or entry, shall be
8 fined in accordance with title 18, United States Code, im-
9 prisoned not more than 5 years, or both.

10 **SEC. 10. CONFIDENTIALITY OF INFORMATION.**

11 (a) PROHIBITION.—Except as provided in subsection
12 (b), no officer or employee of the United States may—

13 (1) use the information furnished by an indi-
14 vidual pursuant to an application filed under this
15 Act to initiate removal proceedings against any per-
16 son identified in the application;

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

20 (3) permit anyone other than an officer or em-
21 ployee of the United States Government or, in the
22 case of an application filed under this Act with a
23 designated entity, that designated entity, to examine
24 such application filed under this Act.

25 (b) REQUIRED DISCLOSURE.—The Attorney General
26 or the Secretary of Homeland Security shall provide the

1 information furnished under this Act, and any other infor-
2 mation derived from such furnished information, to—

3 (1) a Federal, State, tribal, or local law enforce-
4 ment agency, intelligence agency, national security
5 agency, component of the Department of Homeland
6 Security, court, or grand jury in connection with a
7 criminal investigation or prosecution, a background
8 check conducted pursuant to the Brady Handgun
9 Violence Protection Act (Public Law 103–159; 107
10 Stat. 1536) or an amendment made by that Act, or
11 for homeland security or national security purposes,
12 if such information is requested by such entity or
13 consistent with an information sharing agreement or
14 mechanism; or

15 (2) an official coroner for purposes of affirma-
16 tively identifying a deceased individual (whether or
17 not such individual is deceased as a result of a
18 crime).

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

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

4 **SEC. 11. HIGHER EDUCATION ASSISTANCE.**

5 Notwithstanding any provision of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1001 et seq.), with respect
7 to assistance provided under title IV of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1070 et seq.), an alien who
9 is granted conditional nonimmigrant status or lawful per-
10 manent resident status under this Act shall be eligible only
11 for the following assistance under such title:

12 (1) Student loans under parts B, D, and E of
13 such title IV (20 U.S.C. 1071 et seq., 1087a et seq.,
14 1087aa et seq.), subject to the requirements of such
15 parts.

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

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

22 **SEC. 12. TREATMENT OF ALIENS WITH ADJUSTED STATUS**
23 **FOR CERTAIN PURPOSES.**

24 (a) IN GENERAL.—An individual granted conditional
25 nonimmigrant status under this Act shall, while such indi-

1 vidual remains in such status, be considered lawfully
2 present for all purposes except—

3 (1) section 36B of the Internal Revenue Code
4 of 1986 (concerning premium tax credits), as added
5 by section 1401 of the Patient Protection and Af-
6 fordable Care Act (Public Law 111–148); and

7 (2) section 1402 of the Patient Protection and
8 Affordable Care Act (concerning reduced cost shar-
9 ing; 42 U.S.C. 18071).

10 (b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY
11 WAITING PERIOD UNDER PRWORA.—An individual who
12 has met the requirements under this Act for adjustment
13 from conditional nonimmigrant status to lawful perma-
14 nent resident status shall be considered, as of the date
15 of such adjustment, to have completed the 5-year period
16 specified in section 403 of the Personal Responsibility and
17 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.
18 1613).

19 **SEC. 13. MILITARY ENLISTMENT.**

20 Section 504(b)(1) of title 10, United States Code, is
21 amended by adding at the end the following new subpara-
22 graph:

23 “(D) An alien who is a conditional non-
24 immigrant (as that term is defined in section 3 of
25 the DREAM Act of 2010).”.

1 **SEC. 14. GAO REPORT.**

2 Not later than 7 years after the date of the enact-
3 ment of this Act, the Comptroller General of the United
4 States shall submit to the Committee on the Judiciary of
5 the Senate and the Committee on the Judiciary of the
6 House of Representatives a report setting forth—

7 (1) the number of aliens who were eligible for
8 cancellation of removal and grant of conditional non-
9 immigrant status under section 4(a);

10 (2) the number of aliens who applied for can-
11 cellation of removal and grant of conditional non-
12 immigrant status under section 4(a);

13 (3) the number of aliens who were granted con-
14 ditional nonimmigrant status under section 4(a);
15 and

16 (4) the number of aliens whose status was ad-
17 justed to that of an alien lawfully admitted for per-
18 manent residence under section 6.