

119TH CONGRESS
1ST SESSION

S. _____

To amend the Immigration and Nationality Act to authorize lawful permanent resident status for certain college graduates who entered the United States as children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to authorize lawful permanent resident status for certain college graduates 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 “America’s CHIL-
5 DREN Act of 2025” or the “Protecting Children of Long-
6 Term Visa Holders Act of 2025”.

1 **SEC. 2. PERMANENT RESIDENT STATUS FOR CERTAIN COL-**
2 **LEGE GRADUATES WHO ENTERED THE**
3 **UNITED STATES AS CHILDREN.**

4 (a) REQUIREMENTS.—Section 201(b)(1) of the Im-
5 migration and Nationality Act (8 U.S.C. 1151(b)(1)) is
6 amended by adding at the end the following:

7 “(F) Any alien who—

8 “(i) is not inadmissible under section
9 212(a) or deportable under section 237(a);

10 “(ii) was lawfully present in the United
11 States as a dependent child of a nonimmigrant
12 admitted to engage in employment in the
13 United States (other than a nonimmigrant de-
14 scribed in subparagraph (A), (G), (N), or (S) of
15 section 101(a)(15)) for an aggregate period of
16 not less than 8 years;

17 “(iii) on the date on which an application
18 under section 204(a)(1)(M) is submitted, has
19 been lawfully present in the United States for
20 an aggregate period of not less than 10 years;
21 and

22 “(iv) has graduated from an institution of
23 higher education (as defined in section 102(a)
24 of the Higher Education Act of 1965 (20
25 U.S.C. 1002(a))) in the United States.”.

1 (b) PETITION.—Section 204(a)(1) of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1154(a)(1)) is amend-
3 ed by adding at the end the following:

4 “(M) Any alien entitled to classification under section
5 201(b)(1)(F) may file a petition with the Secretary of
6 Homeland Security for such classification.”.

7 **SEC. 3. AGE-OUT PROTECTIONS AND PRIORITY DATE RE-**
8 **TENTION.**

9 (a) AGE-OUT PROTECTIONS.—

10 (1) IN GENERAL.—The Immigration and Na-
11 tionality Act (8 U.S.C. 1101 et seq.) is amended—

12 (A) in section 101(b) (8 U.S.C. 1101(b)),
13 by adding at the end the following:

14 “(6) DETERMINATION OF CHILD STATUS.—A deter-
15 mination as to whether an alien is a child shall be made
16 as follows:

17 “(A) IN GENERAL.—For purposes of a petition
18 under section 204 and any subsequent application
19 for an immigrant visa or adjustment of status, such
20 determination shall be made using the age of the
21 alien on the earlier of—

22 “(i) the date on which the petition is filed
23 with the Secretary of Homeland Security; or

24 “(ii) the date on which an application for
25 a labor certification under section

1 212(a)(5)(A)(i) is filed with the Secretary of
2 Labor.

3 “(B) CERTAIN DEPENDENTS OF NON-
4 IMMIGRANTS.—With respect to an alien who, for an
5 aggregate period of 8 years before attaining the age
6 of 21, was in the status of a dependent child of a
7 nonimmigrant pursuant to a lawful admission as an
8 alien eligible to be employed in the United States
9 (other than a nonimmigrant described in subpara-
10 graph (A), (G), (N), or (S) of section 101(a)(15)),
11 notwithstanding clause (i), the determination of the
12 alien’s age shall be based on the date on which such
13 initial nonimmigrant employment-based petition or
14 application was filed by the alien’s nonimmigrant
15 parent.

16 “(C) FAILURE TO ACQUIRE STATUS AS ALIEN
17 LAWFULLY ADMITTED FOR PERMANENT RESI-
18 DENCE.—With respect to an alien who has not
19 sought to acquire status as an alien lawfully admit-
20 ted for permanent residence during the 2 years be-
21 ginning on the date on which an immigrant visa be-
22 comes available to such alien, the alien’s age shall be
23 determined based on the alien’s biological age, unless
24 the failure to seek to acquire such status was due
25 to extraordinary circumstances.”; and

1 (B) in section 201(f) (8 U.S.C. 1151)—

2 (i) by striking the subsection heading
3 and all that follows through “TERMI-
4 NATION DATE.—” in paragraph (3) and in-
5 sserting “RULE FOR DETERMINING
6 WHETHER CERTAIN ALIENS ARE IMME-
7 DIATE RELATIVES.—”; and

8 (ii) by striking paragraph (4).

9 (2) EFFECTIVE DATE.—

10 (A) IN GENERAL.—The amendments made
11 by this subsection shall be effective as if in-
12 cluded in the Child Status Protection Act (Pub-
13 lic Law 107–208; 116 Stat. 927).

14 (B) MOTION TO REOPEN OR RECON-
15 sider.—

16 (i) IN GENERAL.—A motion to reopen
17 or reconsider the denial of a petition or ap-
18 plication described in the amendment made
19 by paragraph (1)(A) may be granted if—

20 (I) such petition or application
21 would have been approved if the
22 amendment described in such para-
23 graph had been in effect at the time
24 of adjudication of the petition or ap-
25 plication;

1 (II) the individual seeking relief
2 pursuant to such motion was in the
3 United States at the time the under-
4 lying petition or application was filed;
5 and

6 (III) such motion is filed with the
7 Secretary of Homeland Security or
8 the Attorney General not later than
9 the date that is 2 years after the date
10 of the enactment of this Act.

11 (ii) EXEMPTION FROM NUMERICAL
12 LIMITATIONS.—Notwithstanding any other
13 provision of law, an individual granted re-
14 lief pursuant to a motion to reopen or re-
15 consider under clause (i) shall be exempt
16 from the numerical limitations in sections
17 201, 202, and 203 of the Immigration and
18 Nationality Act (8 U.S.C. 1151, 1152, and
19 1153).

20 (b) NONIMMIGRANT DEPENDENT CHILDREN.—Sec-
21 tion 214 of the Immigration and Nationality Act (8 U.S.C.
22 1184) is amended by adding at the end the following:

23 “(s) DERIVATIVE BENEFICIARIES.—

24 “(1) IN GENERAL.—Except as described in
25 paragraph (2), the determination as to whether an

1 alien who is the derivative beneficiary of a properly
2 filed pending or approved immigrant petition under
3 section 204 is eligible to be a dependent child shall
4 be based on whether the alien is determined to be
5 a child under section 101(b)(6).

6 “(2) LONG-TERM DEPENDENTS.—If otherwise
7 eligible, an alien who is determined to be a child
8 pursuant to section 101(b)(6)(B) may change status
9 to, or extend status as, a dependent child of a non-
10 immigrant with an approved employment-based peti-
11 tion under this section or an approved application
12 under section 101(a)(15)(E), notwithstanding such
13 alien’s marital status.

14 “(3) EMPLOYMENT AUTHORIZATION.—An alien
15 admitted to the United States as a dependent child
16 of a nonimmigrant who is described in this section
17 is authorized to engage in employment in the United
18 States incident to status.”.

19 (c) PRIORITY DATE RETENTION.—Section 203(h) of
20 the Immigration and Nationality Act (8 U.S.C. 1153(h))
21 is amended—

22 (1) by striking the subsection heading and in-
23 serting “RETENTION OF PRIORITY DATES”;

24 (2) by striking paragraphs (1) through (4);

1 (3) by redesignating paragraph (5) as para-
2 graph (3); and

3 (4) by inserting before paragraph (3) the fol-
4 lowing:

5 “(1) IN GENERAL.—The priority date for an in-
6 dividual shall be the date on which a petition under
7 section 204 is filed with the Secretary of Homeland
8 Security or the Secretary of State, as applicable, un-
9 less such petition was preceded by the filing of a
10 labor certification with the Secretary of Labor, in
11 which case the date on which the labor certification
12 is files shall be the priority date.

13 “(2) APPLICABILITY.—The principal beneficiary
14 and all derivative beneficiaries shall retain the pri-
15 ority date associated with the earliest of any ap-
16 proved petition or labor certification, and such pri-
17 ority date shall be applicable to any subsequently ap-
18 proved petition.”.