

“(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

“(i) apply for adjustment of status; or

“(ii) renew the alien’s Z visa status as described in section 601(k)(2).

“(D) FINE.—The alien pays to the Secretary a fine of \$400; or

“(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z-A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

“(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z-A visa or a Z-A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

“(A) the Secretary finds by a preponderance of the evidence that grant of the Z-A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

“(B) the alien—

“(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

“(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

“(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500.

“(4) GROUNDS FOR REMOVAL.—Any alien granted Z-A visa status who does not apply for adjustment of Z status or renewal of Z status under section 601(k)(2) prior to the expiration of the application period described in subsection (c)(1)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

“(5) PAYMENT OF TAXES.—

“(A) IN GENERAL.—Not later than the date on which an alien’s status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

“(i) no such tax liability exists;

“(ii) all such outstanding tax liabilities have been paid; or

“(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

“(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term ‘applicable Federal tax liability’ means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

“(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

“(6) ENGLISH LANGUAGE.—

“(A) IN GENERAL.—Not later than the date on which a Z-A nonimmigrant’s status is adjusted or renewed under section 601(k)(2), a Z-A nonimmigrant who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2).

“(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person’s application for an extension of Z-A nonimmigrant status—

“(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

“(ii) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or

“(iii) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

“(7) PRIORITY OF APPLICATIONS.—

“(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005 (referred to in this paragraph as the ‘processing date’).

“(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

“(C) CONSULAR APPLICATION.—

“(i) IN GENERAL.—A Z-A nonimmigrant’s application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

“(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z-A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien’s country of origin. The Secretary of State shall direct a consular office in a country that is not a Z-A nonimmigrant’s country of origin to accept an application for adjustment of status from such an alien, where the Z-A nonimmigrant’s country of origin is not contiguous to the United States, and as consular resources make possible.

“(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z-A nonimmigrant status under this subtitle shall be afforded confidentiality as provided under section 604.

“(1) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

“(1) CRIMINAL PENALTY.—Any person who—

“(A) applies for a Z-A visa or a Z-A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

“(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

“(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

“(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104-134 (110 Stat. 1321-53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z-A visa under subsection (b) or an adjustment of status under subsection (j).

“(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z-A

visa shall be such as is provided under section 603.

“(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z-A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.”.

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by [____], is further amended—

(A) in subparagraph (A), by striking “subparagraph (A) or (B)” and inserting “subparagraph (A), (B), or (N)”; and

(B) by adding at the end, the following new subparagraph:

“(N) Aliens issued a Z-A visa or a Z-A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.”.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR Z-A NON-IMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z-A visa or a Z-A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.”.

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

“Sec. 214A. Admission of agricultural worker.”.

SEC. 623. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

“(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

“(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Agricultural Worker Immigration Status Adjustment Account’. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A;

“(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z-A) or for processing applications made by such an alien who is seeking an adjustment of status.

“(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.”.

SEC. 624. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to